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THE
Statutes at Large
OF
PENNSYLVANIA
FROM
1682 to 1801

COMPILED UNDER THE
AUTHORITY OF THE ACT OF MAY 19 1887 BY
JAMES T. MITCHELL AND HENRY FLANDERS
COMMISSIONERS

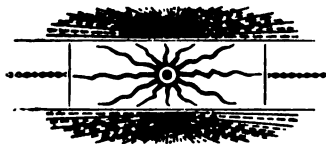
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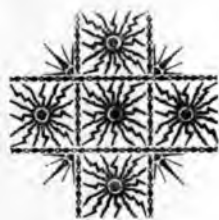
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PREFATORY NOTE.

The appendices are derived from the same sources as those in the preceding volumes, except in a few instances. The notes and index have been prepared under the supervision of the Commission by Ardemus Stewart and Harry S. Ambler, Jr., Esquires.



THE STATUTES AT LARGE OF PENNSYLVANIA.

Ordinances passed by the Constitutional Convention,
June-September, 1776.

CHAPTER DCCXXVII.

AN ORDINANCE FOR THE RELIEF OF THE PRISONERS IN THE SEVERAL GAOLS IN THE STATE OF PENNSYLVANIA.

Whereas at this time the courts of justice within this state are surceased, and all process and proceedings by which suits can be legally commenced, proceeded in or determined are by the authority of the people justly and totally suppressed:

And whereas the detaining in custody debtors under execution who are willing to deliver up their estates for the use of their creditors, or debtors confined under mesne process who have no legal mode of entering bail in order to free their persons from imprisonment is not only oppressive but can be of no real benefit or advantage to the creditors:

And whereas a total change of government by the assistance of Divine Providence has been effected within the United States, and acts of grace to criminals sometimes are granted on events of such importance:

[Section I.] Be it ordained and declared by the Representa-

tives of the Freemen of the State of Pennsylvania in General Convention met, That all and every person and persons imprisoned or detained in any gaol within this state by reason of any process, writ or commitment for debt or any criminal offense whatsoever (except for capital offenses or practices against the present virtuous measures of the American States or prisoners of war) be forthwith released and discharged.

Provided always that all and every person and persons who shall take or claim the benefit of this ordinance shall before his, her or their discharge exhibit a petition in the respective counties where such person or persons are confined to the persons hereinafter named, setting forth the reasons of such their imprisonment; and if he, she or they so petitioning shall be charged in execution, such prisoner or prisoners shall with his, her or their petition annex the names of his, her or their creditors and the debts due as near as can be and certify an account of his, her or their whole real and personal estate, with the securities wherein any part of it consists, and the deeds, books of accounts, notes or bonds relating thereunto; and upon such petitions and certificates delivered the persons hereinafter named in the respective counties or any two of them may and they are hereby required to order such prisoners to be brought before them and administer or tender to such prisoners the oath or affirmation heretofore required and taken in cases of insolvent debtors by act of assembly of Pennsylvania made in the year of our Lord one thousand seven hundred and twenty-nine; and upon having taken such oath or affirmation such prisoner or prisoners shall make an assignment of such his, her or their estate in the same manner as required by the said act of assembly and to and for the purposes therein mentioned and subject to the pains and penalties declared in the said act, and thereupon he, she or they shall be discharged out from custody; from and after which discharge he, she or they shall not at any time hereafter be imprisoned for the same debt or debts for which he, she or they have made such assignment. And in case it shall appear that the person or persons confined is or are in custody upon mesne process only, the persons hereinafter named or any two of them in

the respective counties shall and are hereby required by order in writing under their hands to discharge such prisoner or prisoners from his, her or their confinement.

Provided nevertheless, That such suit or action shall not cease until finally determined by due course of law.

[Section II.] And be it further ordained, That George Bryan, James Young, Jacob Schryner, John Bull, Henry Hill and Peter Knight of the city and county of Philadelphia, or any two of them be and are hereby nominated, empowered and required to hear and discharge the prisoners in the gaol of the city and county of Philadelphia; and John Wilkinson, Henry Wynkoop and James Wallace, of the county of Bucks or any two of them be and are hereby nominated, empowered and required to hear and discharge the prisoners in the gaol in the county of Bucks, and David Cowpland, John Crosby and John Sellers, of the county of Chester; or any two of them be and are hereby nominated, empowered and required to hear and discharge the prisoners in the gaol of the county of Chester; and William Henry, William Bowsman and John Hopson, of the county of Lancaster, or any two of them be and are hereby nominated, empowered and required to hear and discharge the prisoners in the gaol of the county of Lancaster; and Samuel Johnston, Martin Eychelberger and William Leas, of the county of York, or any two of them be and are hereby nominated, empowered and required to hear and discharge the prisoners in the gaol of the county of York; and Robert Miller, John Homes and Stephen Duncan, of the county of Cumberland, or any two of them be and are hereby nominated, empowered and required to hear and discharge the prisoners in the gaol of the county of Cumberland; and James Read, William Raser and Daniel Hiester, of the county of Berks, or any two of them be and are hereby nominated, empowered and required to hear and discharge the prisoners in the goal of the county of Berks; and Robert Trail, Abraham Berlain and Henry Barnet, of the county of Northampton, or any two of them be and are hereby nominated, empowered and required to hear and discharge the prisoners in the gaol of the county of Northampton; and William Todd, Charles Cisna and Robert

Elliot, of the county of Bedford, or any two of them be and are hereby nominated, empowered and required to hear and discharge the prisoners in the gaol of the county of Bedford; and Samuel Hunter, Laughlin McCartney, and John Boyd, of the county of Northumberland, or any two of them be and are hereby nominated, empowered and required to hear and discharge the prisoners in the gaol of the county of Northumberland; and Edward Cook, Robert Hanna and David Semple, of the county of Westmoreland, or any two of them be and are hereby nominated, empowered and required to hear and discharge the prisoners in the gaol in the county of Westmoreland.

And that all sheriffs and gaolers heretofore elected and appointed and all other persons within this state give due obedience to the said persons or any two of them within their several counties who have been hereby authorized and appointed to hear and discharge the prisoners aforesaid.

[Section III.] And be it further ordained, That the several sheriffs and gaolers of the several and respective counties heretofore elected and appointed shall and they are hereby authorized, directed and commanded to keep in safe custody all such persons that now are or shall hereafter be committed to them for capital offenses, practices against the present virtuous measures of the American States and prisoners of war, until they shall be discharged by due course of law or by the authority of the honorable the Congress of the United States.

Passed August 1, 1776. See Appendix XXXV, and the note to the act of Assembly passed February 14, 1729-30, Chapter 315.

CHAPTER DCCXXVIII.

AN ORDINANCE TO PREVENT THE COUNTERFEITING THE PAPER MONEY ISSUED BY THE HONORABLE THE CONTINENTAL CONGRESS OR BY THIS OR ANY OTHER OF THE UNITED AMERICAN STATES.

Whereas great mischiefs may arise to the United States of America and the prosperity of the good people, inhabitants

thereof, rendered precarious and insecure by wicked and designing persons counterfeiting the paper bills of credit issued by the honorable the Continental Congress or by any of the United States of America:

For remedy whereof:

[Section I.] Be it ordained and declared and it is hereby ordained and declared by the Representatives of the freemen of the State of Pennsylvania in General Convention met, That if any person or persons shall presume to counterfeit any of the bills of credit issued or hereafter to be issued by the honorable the Continental Congress or by and under any laws or resolves of the assembly of Pennsylvania or by the legislatures or assemblies or conventions of this or any other of the United States by printing or procuring the same to be printed in the likeness of the said genuine bills of credit, and also if any person or persons shall forge the name or names of the signers of the true bills of credit to such counterfeit bills, whether the counterfeiting of the bills or names be done within this state or elsewhere, or shall utter such bills knowing them to be so counterfeited as aforesaid, and being thereof legally convicted by confession, standing mute or by verdict of twelve men in any court of oyer and terminer hereafter to be erected within this state, he, she or they shall suffer death, and the discoverer or informer shall have as an encouragement for his or her discovery the sum of fifty pounds to be levied out of the goods and chattels, lands and tenements, of the person convicted, and if no such goods or chattels, lands or tenements can be found, a reward of twenty pounds shall be paid out of the public treasury. And if any person or persons shall counterfeit any of the said bills of credit by altering the denomination of the said bills with design to increase the value of such bills, or shall utter such bills knowing them to be so counterfeited or altered as aforesaid, and shall be thereof legally convicted in any court of record hereafter to be established in this state, such person or persons shall be sentenced to the pillory and have both his or her ears cut off and nailed to the pillory, and be publicly whipped on his or her bare back with thirty-one lashes well laid on.

And, moreover, every such offender shall forfeit the sum of one hundred pounds, to be levied on his lands and tenements, goods and chattels, the one-half to the use of the state and the other half to the discoverer. And the offender shall pay the party double the value of the damages thereby sustained together with the costs and charges of the prosecution; and in case the offender hath not sufficient to satisfy the discoverer for his or her damages and charges and pay the forfeiture aforesaid, in such case the offender shall by order of the court where he or she shall be convicted be sold for any term not exceeding seven years for satisfaction; and in such case the treasurer of this state shall reward the discoverer of such insolvent offender to the value of five pounds out of the public moneys in his hands; and every such counterfeit bill shall be delivered to the said treasurer to be burnt and destroyed.

[Section II.] And be it further ordained and declared, That the paper bills of credit issued by the honorable the Continental Congress or under the late laws or by the resolves of the late assembly of Pennsylvania, shall be legal tender in all cases whatsoever within this state.

Passed August 1, 1776. See Appendix XXXV, and the notes to the acts of Assembly passed March 5, 1725-26, Chapter 289; September 28, 1773, Chapter 686.

As to Section 1, see the acts of Assembly passed January 29, 1777, Chapter 738; (the two Acts of Assembly passed) March 20, 1777, Chapters 752, 753; December 10, 1777, Chapter 768; March 23, 1778, Chapter 791; May 25, 1778, Chapter 800; November 26, 1779, Chapter 869; March 25, 1780, Chapter 907; June 1, 1780, Chapter 912; April 7, 1781, Chapter 939; March 18, 1782, Chapter 960; March 16, 1785, Chapter 1137; September 13, 1785, Chapter 1178; April 22, 1794, Chapter 1777; March 5, 1804, P. L. 235; March 16, 1809, P. L. 43; March 21, 1814, P. L. 154; March 25, 1824, P. L. 59; February 21, 1825, P. L. 32; March 21, 1825, P. L. 85; April 11, 1825, P. L. 163; (the two Acts of Assembly passed) April 8, 1826, P. L. 257, 258; April 11, 1827, P. L. 236; February 2, 1828, P. L. 46; February 7, 1828, P. L. 68; March 30, 1829, P. L. 116; April 23, 1829, P. L. 341; March 13, 1830, P. L. 86; April 3, 1830, P. L. 178; April 1, 1831, P. L. 298; March 30, 1832, P. L. 234; April 3, 1832, P. L. 271; (the three Acts of Assembly passed) April 23, 1832, P. L. 380, 383, 385; June 9, 1832, P. L. 601; March 29, 1833, P. L. 102; (the two Acts of Assembly passed) April 14, 1835, P. L. 251, 255; March 31, 1860, P. L. 382; January 7, 1867, P. L. 1369; May 8, 1889, P. L. 127.

As to Section II, see the Acts of Assembly passed January 29, 1777, Chapter 738; March 20, 1777, Chapter 752; June 13, 1777, Chapter 755; March 23, 1778, Chapter 791; May 25, 1778, Chapter 800;

May 31, 1780, Chapter 911; September 22, 1780, Chapter 918; December 19, 1780, Chapter 921; December 22, 1780, Chapter 923; December 23, 1780, Chapter 924; February 20, 1781, Chapter 927; April 7, 1781, Chapter 939; (repealed by the the Act of Assembly passed) June 21, 1781, Chapter 945; April 13, 1782, Chapter 978; January 31, 1783, Chapter 1003; March 12, 1783, Chapter 1008. By Article I, Section X. paragraph 1, of the Federal Constitution, the states are prohibited from making anything but gold and silver coin a tender in payment of debts.

CHAPTER DCCXXIX.

AN ORDINANCE RESPECTING THE ARMS OF NON-ASSOCIATORS.

Whereas the non-associators in this state have either refused or neglected to deliver up their arms according to the resolves of the honorable Continental Congress and the assembly of Pennsylvania, and effectual measures have not been taken to carry the said resolves into execution:

[Section I.] Be it therefore ordained by the authority of this Convention, That the colonel or next officer in command of every battalion of militia in this state is hereby authorized, empowered and required to collect, receive and take all the arms in his district or township nearest to such officer which are in the hands of non-associators in the most expeditious and effectual manner in his power, and shall give to the owners receipts for such arms, specifying the amount of the appraisement; and such as can be repaired shall with all possible dispatch be rendered fit for service, and the value according to the appraisement of all such arms, together with the repairs and transportation, shall be paid to the officers by the treasurer on the order of the council of safety for the use of the owners and defraying the charges.

[Section II.] And be it further ordained, That the same arms shall be appraised by any three reputable freeholders appointed by the commanding officer; but if the owner of any arms shall neglect or refuse to apply for such money within six months the same shall be applied towards the repairs of the arms; and

the colonels are hereby authorized to draw for the necessary sums of money for the purposes aforesaid on the council of safety.

[Section III.] And it is further ordained, That the colonels aforesaid shall arm the associators with the said arms and keep an account to whom they are delivered and return the same to the council of safety; and every associator shall be answerable for such arms or the value unless lost or destroyed by some unavoidable accident or in actual service.

[Section IV.] And be it further ordained, That in case any arms so collected shall not be worth repairing, the same shall be laid by until such time as may be thought proper by the committee of the county to return them to the owners.

Passed July 19, 1776. See Appendix XXXV, and the Act of Assembly passed March 31, 1779, Chapter 836.

CHAPTER DCCXXX.

AN ORDINANCE FOR THE RELEASE OF COLONEL JAMES EASTON.

It appears to the convention upon the report of their committee upon the case of Colonel James Easton, a prisoner confined in the gaol of the city and county of Philadelphia on actions for debt, that there is no equitable cause for continuing the said Colonel Easton in confinement:

[Section I.] Therefore, Be it ordained and it is hereby ordained by the Convention of the State of Pennsylvania, That William Dewees, heretofore appointed high sheriff of the said city and county of Philadelphia (under the late constitution of Pennsylvania), do forthwith discharge the said Colonel James Easton out of custody.

Passed July 27, 1776. See Appendix XXXV.

CHAPTER DCCXXXI.

**AN ORDINANCE FOR THE APPOINTMENT OF JUSTICES OF THE PEACE
FOR THE STATE OF PENNSYLVANIA.**

Whereas it is necessary that proper officers of justice be appointed under the authority of the people only and deriving no power whatever from the late constitution:

[Section I.] Be it therefore ordained and declared and it is hereby ordained and declared by the Representatives of the Freemen of the State of Pennsylvania in General Convention met, That David Rittenhouse, Jonathan B. Smith, Owen Biddle, James Cannon, Timothy Matlack, Samuel Morris, the elder, Samuel Howell, Frederick Kuhl, Samuel Morris, the younger, Thomas Wharton, the younger, Henry Kepple, the younger, Joseph Blewer, Samuel Mifflin, George Gray, John Bull, Henry Wynkoop, Benjamin Bartholomew, John Hubley, Michael Swoope, William Lyon, Daniel Hunter, Peter Rhoads, Daniel Espy, John Weitzel and John Moore, Esquires, members of the council of safety, are hereby made, constituted and appointed justices of the peace for this state.

And that Benjamin Franklin, John Dickinson, George Bryan, James Young, James Biddle, John Morris, the younger, Joseph Parker, John Bayard, Sharp Delany, John Cadwallader, Joseph Copperthwaite, Christopher Marshall, the elder, Francis Gurney, Robert Knox, Matthew Clarkson, William Coates, William Ball, Philip Boehm, Francis Casper Hasenclever, Thomas Cuthbert, the elder, Moses Bartram, Jacob Schreiner, Joseph Moulder, Jonathan Paschal, Benjamin Paschal, Benjamin Harbeson, Jacob Bright, Henry Hill, Samuel Ashmead, Frederick Antis, Samuel Erwin, Alexander Edwards, Leth Quee, Samuel Potts, Rowland Evans, Charles Bensel and Peter Evans of the city and county of Philadelphia, Esquires, are hereby made, constituted and appointed justices of the peace for the city and county of Philadelphia.

And that Joseph Hart, Richard Walker, Joseph Kirkbride, John Wilkinson, John Kidd, Robert Patterson, John Clark, James Benezet, Samuel Smith, James McMullen, Theophilus Foulke, Joshua Anderson, George Wickert and Thomas Long of the county of Bucks, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Bucks.

And that Alexander Johnston, William Clingen, Evan Evans, Richard Baker, John Sellars, Nicholas Fairlamb, John Jones, John Wilson, William Heslet, Israel Whalin, William Deney, Samuel Bond and Robert Mendenhall, of the county of Chester, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Chester.

And that Emanuel Carpenter, Edward Shippen, William Henry, Michael Hubly, William Bausman, Ludwig Lauman, James Bird, James Work, Timothy Green, John Thome, Moses Irwin, John Ferrie, Zaccheus Davis, David Jenkins, John Whitehill, James Clemson, William Brown, James Murray, Robert Thompson, Robert Barber, Thomas Whiteside, Michael Bright and Christopher Wegman of the county of Lancaster, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Lancaster.

And that Robert McPherson, Martin Eichelberger, Samuel Edie, David McConaughy, Richard McCalister, Henry Slagle, Matthew Dill, William Rankin, William Lees, William Bailey, William Scott, William Smith, William McCaskey, Josias Scott, Thomas Latta, William McClean and John Mickle, the younger, of the county of York, Esquires, are hereby made, constituted and appointed justices of the peace for the county of York.

And that John Armstrong, John Byers, John Reynolds, Jonathan Hoge, Robert Miller, George Robinson, John Holmes, James Oliver, John Agnew, John Allison, James Maxwell, Samuel Lyon, William Brown, James Dunlap, John McClay, William Elliott, Matthew Henderson and Frederick Watt, of the county of Cumberland, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Cumberland.

And that James Read, Peter Spyker, Jacob Morgan, George Douglas, Mark Bird, Henry Chriest, Balzar Gear, John Patton,

Thomas Dundas, Christopher Witman, Richard Tea and Bastian Levan, of the county of Berks, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Berks.

And that Robert Trail, Jacob Moory, Christopher Wagener, Henry Kookan, John Weitzel, Peter Traxler, Senior, Nicholas Dupni, Evan Morgan, Robert Forgeman and Henry Barnet, of the county of Northampton, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Northampton.

And that Bernard Dougherty, William Proctor, George Wood, Abraham Cable, Thomas Smith, Thomas Coulter, Henry Lloyd, John Piper, Samuel Davidson, William Latta, John Wilkins, William Todd, Benjamin Elliot, William Parker, Evan Shelby, David Jones, Henry Rhoads, William Johnston, William McLeavy, Gideon Ritchey, John Mellott, Edward Coomb, Hugh Davis, Matthew Patton, Robert Ramsey, Benjamin Bird, John Shaver, Samuel Thompson, William Phillips, William Holliday, the younger, Charles Cessna, John Mitchell and Richard Brown, of the county of Bedford, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Bedford.

And that Samuel Hunter, James Potter, William McClay, Robert Moodie, John Lowden, Benjamin Weiser, John Fleming, Henry Antis and John Simpson, of the county of Northumberland, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Northumberland.

And that Robert Hanna, William Lockray, Alexander McLean, Providence Mounts, Andrew McFarlin, James Pollock, James Caval, Samuel Sloane, Thomas Scott, Michael Hufnagle, James Wilson, David Allen, Benjamin Davis, Philip Rogers, Joseph Caldwell, James Wilkins, William Elliot, George Latimore and Samuel Burns, of the county of Westmoreland, Esquires, are hereby made, constituted and appointed justices of the peace for the county of Westmoreland.

[Section II.] And be it further ordained and declared, That the said justices and every of them shall have full power and authority to take acknowledgments of deeds and cognizance of

criminal offenses and breaches of the peace; and in cases of petty larceny under five shillings to proceed to punishment.

[Section III.] And be it further ordained and declared, That the laws which were in use before the dissolution of the late government shall be the rule of their proceedings so far as the same may not be inconsistent with the oath or affirmation hereinafter directed to be taken and subscribed, and that the style of their precepts shall be in the name of the state of Pennsylvania, before their president for the time being.

And that the justices appointed for the city and county of Philadelphia do take and subscribe the same oath or affirmation before Benjamin Franklin, John Dickinson, Samuel Morris, Samuel Ashmead and Alexander Edwards, Esquires, or one of them.

And that the justices appointed for the county of Bucks do take and subscribe the said oath or affirmation before Joseph Hart, Joseph Kirkbride and John Kidd, Esquires, or one of them.

And that the justices appointed for the county of Chester do take and subscribe the said oath or affirmation before Richard Baker and John Sellars, Esquires, or one of them.

And that the justices appointed for the county of Lancaster do take and subscribe the said oath or affirmation before William Henry, John Hubley, John Thome and Moses Erwin, Esquires, or one of them.

And that the justices appointed for the county of York do take and subscribe the said oath or affirmation before Martin Eichelberger, Samuel Edie and William Smith, Esquires, or one of them.

And that the justices appointed for the county of Cumberland do take and subscribe the said oath or affirmation before Jonathan Hoge, John Holmes, John Alison and Samuel Lyon, Esquires, or one of them.

And that the justices appointed for the county of Berks do take and subscribe the said oath or affirmation before James Read, Peter Spyker and Jacob Morgan, Esquires, or one of them.

And that the justices appointed for the county of Northamp-

ton do take and subscribe the said oath or affirmation before Robert Trail and Henry Kookan, Esquires, or one of them.

And that the justices appointed for the county of Bedford do take and subscribe the said oath or affirmation before George Wood and David Espy, Esquires, or one of them.

And that the justices appointed for the county of Northumberland do take and subscribe the said oath or affirmation before Samuel Hunter and James Potter, Esquires, or one of them.

[Section IV.] And be it further ordained and declared, That the said justices and every of them before they respectively enter upon their office do take and subscribe the following oath or affirmation.

“I do swear or affirm that I do not hold myself bound to bear allegiance to George the Third, King of Great Britain, and that I will steadily and firmly at all times promote the most effectual means, according to my skill and knowledge, to oppose tyrannical proceedings of the King and parliament of Great Britain against the United American States, and to support a government in this state on the authority of the people only; and that as a justice of the peace I will do everything in that office to the best of my knowledge and abilities consistent with the freedom and independence of this state.”

[Section V.] And be it further ordained and declared, That the members of the council of safety above named do make and subscribe the said oath or affirmation.

And that the justices appointed for the county of Westmoreland do take and subscribe the said oath or affirmation before Robert Hanna and Alexander McLean, Esquires, or one of them.

[Section VI.] And be it further ordained and declared, That the justices of the respective counties shall have full power and authority from time to time when they shall think it necessary to appoint gaolers to take care of the several gaols and prisons and of the prisoners committed to them.

[Section VII.] And be it further ordained and declared, That all coroners, constables, overseers of the poor and supervisors of the highways who were lawfully in office at the time of or immediately before the dissolution of the late government of this state shall continue to exercise the powers and perform

the duties of their respective offices until a new appointment or future provision shall be made in such case.

[Section VIII.] And be it further ordained and declared, That this ordinance shall continue and remain in force until altered or repealed by the future legislature of this state or by this convention.

Passed September 3, 1776. See Appendix XXXV, and the Constitution of 1776, Plan of Government, Section 30; and the Acts of Assembly passed February 5, 1777, Chapter 739; August 31, 1778, Chapter 804. Expired.

CHAPTER DCCXXXII.

AN ORDINANCE OF THE STATE OF PENNSYLVANIA DECLARING WHAT SHALL BE TREASON AND FOR PUNISHING THE SAME AND OTHER CRIMES AND PRACTICES AGAINST THE STATE.

Whereas government ought at all times to take the most effectual measures for the safety and security of the state:

[Section I.] Be it therefore ordained and declared and it is hereby ordained and declared by the Representatives of the Freemen of the State of Pennsylvania in General Convention met, That all and every person and persons (except prisoners of war) now inhabiting or residing within the limits of the state of Pennsylvania or that shall voluntarily come into the same hereafter to inhabit or sojourn do and shall owe and pay allegiance to the state of Pennsylvania.

[Section II.] And be it further ordained by the authority aforesaid, That all and every such person and persons so owing allegiance to the state of Pennsylvania who from and after the publication hereof shall levy war against this state or be adherent to the King of Great Britain or others the enemies of this state or to the enemies of the United States of America by giving him or them aid or assistance within the limits of this state or elsewhere, and shall be thereof duly convicted in any court of oyer and terminer hereafter to be erected according to law,

shall be adjudged guilty of high treason and forfeit his lands, tenements, goods and chattels to the use of the state, and be imprisoned any term not exceeding the duration of the present war with Great Britain at the discretion of the judge or judges.

[Section III.] And be it further ordained and declared by the authority aforesaid, That any person or persons, (except as before excepted) residing, inhabiting or sojourning in this state who shall hereafter know of such treason and conceal the same, or that shall receive or assist such traitor knowing him to be such, and shall be thereof duly convicted as aforesaid, shall be adjudged guilty of misprison of treason and suffer the forfeiture of one-third of his goods and chattels, lands and tenements, to the use of the state, and be imprisoned any term, not exceeding the duration of the present war with Great Britain, at the discretion of the judge or judges.

[Section IV.] And be it further ordained and declared, That in all convictions for high treason the judge or judges before whom the trial is had may out of the estate forfeited by virtue of this act make such provision for the wife or children if any of the criminal as he or they in his or their discretion may deem necessary.

[Section V.] And be it further ordained and declared, That this ordinance shall be in force till the end of the first session of the first assembly that shall meet under the new constitution of this state and no longer.

Passed September 5, 1776. See Appendix XXXV, and the note to the Act of Assembly passed May 31, 1718, Chapter 236; and the Act of Assembly passed February 11, 1777, Chapter 740. Expired.

CHAPTER DCCXXXIII.

AN ORDINANCE FOR PUNISHING PERSONS GUILTY OF CERTAIN OFFENSES THEREIN MENTIONED AGAINST THE UNITED STATES OF AMERICA.

Whereas evil disposed persons may by speaking or writing endeavor to influence the minds of weak and unwary persons

and thereby impede the present virtuous opposition made by the free, independent and United States of America against the wicked and tyrannic measures pursued by the King and parliament of Great Britain:

For the prevention thereof:

[Section I.] Be it ordained and declared by the Representatives of the Freemen of the State of Pennsylvania in General Convention met, That if any person or persons within this state shall by advisedly speaking or writing obstruct or oppose or endeavor so to do the measures carrying on by the United States of America for the defense and support of the freedom and independence of the said states, such person or persons on complaint and proof made on oath or affirmation before any justice of the peace of the city and county where the offense shall be committed, shall be held to give security for his or their good behavior in such sum or sums of money as the said justice may think necessary, and in default of giving such security shall be committed to the common gaol of the said city or county respectively by the said justice, there to remain until he or they shall give such security or be otherwise legally discharged; and if the said justice shall on the evidence given judge that such offender is too dangerous, unfriendly or inimical to the American cause to be admitted to bail, then and in such case he may and shall associate to himself two other justices of the peace of the said city or county respectively, and if they or any two of them shall judge in like manner they may by warrant under their hands and seals commit such persons to the common gaol of the city or county respectively for such time as they shall deem proper not exceeding the duration of the present war with Great Britain.

[Section II.] And be it further ordained and declared by the authority aforesaid, That if any person or persons shall think him or themselves aggrieved by the judgment of the said justice or justices, he or they may appeal to the council of safety for this state, who shall without delay determine the same and may confirm, nullify, suspend, alter or mitigate the judgment of the said justice or justices.

[Section III.] And be it further ordained and declared by

the authority aforesaid, That this ordinance shall continue in force until the end of the first session of the future legislature of this state or until altered or repealed by the same or by this convention.

Passed September 12, 1776. See Appendix XXXV, and the Act of Assembly passed September 16, 1777, Chapter 762. Expired. The ordinance in the text was declared not to be obligatory, by Resolution of Assembly passed September 26, 1776. (Votes of Assembly, Vol. VI, p. 764.)

CHAPTER DCCXXXIV.

AN ORDINANCE TO COMPEL DEBTORS IN CERTAIN CASES TO GIVE SECURITY TO THEIR CREDITORS.

Whereas at this time when the courts of justice in this state are shut, it is absolutely necessary that honest creditors should be made secure, when it shall appear that otherwise they might by dishonest debtors taking advantage of the times, run the risk of losing their just debts:

[Section I.] Be it therefore ordained and declared by the Representatives of the Freemen of the State of Pennsylvania in General Convention met, That where complaint by oath or affirmation by the complainant or some person for him shall be made to any justice of the peace for this state that any person or persons residing within the city or county where such justice hath jurisdiction is justly indebted to the complainant in any sum not exceeding five pounds, and that such debtor is about to depart this state with design to defraud his creditors as is believed, and that such debtor, being of sufficient ability in the judgment of the said justice on full examination had, refuses to pay or give reasonable security in the nature of a special bail for the same to abide the judgment of such person or persons as shall hereafter be empowered to judge and determine the matter in controversy, it shall and may be lawful for such justice to issue either a summons or *capias* as the case may require, directed to the proper constable, requiring him to cause the de-

defendant to come before such justice, and the said justice shall order the said defendant to give reasonable bail as the nature of the case may require, and if such defendant shall neglect or refuse to give such bail then the said justice is hereby empowered to commit such defendant to the gaol of the said city or county, and the keeper thereof is hereby required there to keep him safely until he shall give such bail or be otherwise lawfully discharged. And if any such person or persons shall be indebted to any one or more person or persons in a sum exceeding five pounds then on the like complaint on oath or affirmation being made to two justices of the city or proper county they shall proceed in manner as before mentioned and directed in cases not exceeding five pounds.

Passed September 13, 1776. See Appendix XXXV, and the note to the Act of Assembly passed March 7, 1745-46, Chapter 365; and the Acts of Assembly passed October 9, 1779, Chapter 862; September 23, 1784, Chapter 1116; April 5, 1785; Chapter 1160; March 11, 1789, Chapter 1394; April 19, 1794, Chapter 1754; April 4, 1798; Chapter 1995; March 1, 1799, Chapter 2023; February 26, 1801, Chapter 2202; January 2, 1804, P. L. 3; March 28, 1804, P. L. 383; March 25, 1805, P. L. 117; April 9, 1807, P. L. 281; April 4, 1809, P. L. 176; March 20, 1810, P. L. 208; March 28, 1820, P. L. 156; April 4, 1831, P. L. 458; April 9, 1833, P. L. 480; April 15, 1835, P. L. 290; June 16, 1836, P. L. 809; March 19, 1838, P. L. 126; February 27, 1845; P. L. 72; April 15, 1845, P. L. 459; March 13, 1847, P. L. 301; March 11, 1850, P. L. 159; March 29, 1851, P. L. 272; April 26, 1855, P. L. 304; February 8, 1869, P. L. 208; February 25, 1870, P. L. 254; March 28, 1870, P. L. 596; April 6, 1870, P. L. 987; February 18, 1870, P. L. 188; February 29, 1872, P. L. 190; the Constitution of 1874, Article III, section 8; July 7, 1879, P. L. 194; May 13, 1889, P. L. 113; May 29, 1893, P. L. 176.

CHAPTER DCCXXXV.

AN ORDINANCE FOR RENDERING THE BURDEN OF ASSOCIATORS AND NON-ASSOCIATORS IN THE DEFENSE OF THIS STATE AS NEARLY EQUAL AS MAY BE.

Whereas the associators of this state have bestowed much of their time and been at a considerable expense in qualifying themselves for the defense of their country and are now gone

forth into actual service to the great prejudice of their private concerns, while others by not associating have exempted themselves from those difficulties and pursued their business to advantage:

And whereas no effectual measures have hitherto been taken to render the burden of the defense which is a common benefit, as nearly equal as possible:

Therefore be it ordained and declared:

[Section I.] And it is hereby ordained and declared by the Representatives of the Freemen of the State of Pennsylvania in General Convention met, That every non-associator between the ages of sixteen and fifty years shall pay for and during the time of his continuing a non-associator at the rate of twenty shillings for each and every month, to commence from the publication of this ordinance and to continue until the end of the first session of the future assembly of this state, unless the said assembly shall before that time alter or repeal the same.

[Section II.] And be it further ordained and declared by the authority aforesaid, That every non-associator above the age of twenty-one years shall pay in addition to the aforesaid fine at the rate of four shillings in the pound on the annual value of his estate as rated under the late laws of this state for raising provincial taxes.

[Section III.] And be it further ordained by the authority aforesaid, That all the moneys which shall be raised by the aforesaid assessments and fines after discharging the necessary expenses attending collecting the same, shall be paid into the hands of John Bayard, Esquire, for the relief and support of the families of poor associators of this state while out in the service and to afford assistance to those poor associators who are by the service rendered incapable of supporting themselves and their families and also to afford such assistance to the widows and children of such poor associators as lose their lives in the service of their country.

[Section IV.] And be it further ordained and declared by the authority aforesaid, That when any of the said associators or their widows and children shall be so entitled to a share of the moneys arising from the aforesaid assessments and fines

the field officers of the battalion or any three of them and a private of the company to which such associator at the time when he or his widow and children became so entitled did belong shall certify the particular circumstances of the said associator or his wife (or of his widow and children if he should be killed) to the future assembly of this state in order to enable them to fulfil the intent of this ordinance.

And to this end that the said four shillings in the pound and the said monthly fines of twenty shillings may be duly assessed, levied, collected and paid for the purposes hereinbefore mentioned:

[Section V.] Be it further ordained and declared by the authority aforesaid, That Jacob Morgan, Joseph Moulder and Jacob Bright be and are hereby appointed commissioners, and that Isaac Snowden, James Milligan, Michael Schubart, Benjamin Harbeson, William Will and William Hollingshead assessors for the city of Philadelphia.

That Thomas Potts, Samuel Erwin and John Williams be and are hereby appointed commissioners; and that John Brown, William Robinson, Samuel Ingle, Andrew Knox, Henry Derringer and Isaac Hughes, assessors for the county of Philadelphia who or a majority of them shall be a board of commissioners and assessors for the county of Philadelphia.

And that James Benezet, Captain William Roberts and Abraham Middleswarts be and are hereby appointed commissioners; and that Gilliam Cornet, Abraham Britton, James Wallace, Thomas Armstrong, Benjamin Sagal and George McIlroy, assessors for the county of Bucks, who or a majority of them shall be a board of commissioners and assessors for the county of Bucks.

And that Thomas Levis, William Evans and Thomas Taylor be and are hereby appointed commissioners; and that Caleb Davis, Richard Thomas, David Cloyd, Benjamin Brennon, Thomas Evans and Joseph Gardner, assessors for the county of Chester, who or a majority of them shall be a board of commissioners and assessors for the county of Chester.

And that Alexander Martin, Christian Wirtz and Casper Snevely be and are hereby appointed commissioners; and that

John Bokenstose, John Rowland, Philip Greenwalt, Thomas Clark, of Dromore, Caspar Shaffner and John Pemmison, the younger, assessors for the county of Lancaster, who or a majority of them shall be a board of commissioners and assessors for the county of Lancaster.

And that Peter Wolf, John Nesbit and Archibald McClean be and are hereby appointed commissioners; and that Patrick Scott, Benjamin Pidon, Frederick Wolf, John Agnew, Christopher Lowman and James Dill, assessors for the county of York, who or a majority of them shall be a board of commissioners and assessors for the county of York.

And that Patrick Maxwell, Samuel Leard and James Pollock be and are hereby appointed commissioners; and that Henry Polling, John Davis, James Lyon, Alexander Morrow, John Carson and William Rippey, assessors for the county of Cumberland, who or a majority of them shall be a board of commissioners and assessors for the county of Cumberland.

And that Henry Reitmeyer, Christian Lower, and Mordecai Lincoln be and are hereby appointed commissioners; and that Conrad Hershner, the elder, Nicholas Jones, Frederick Mayerle, George Kelchner, Warner Stam and John Robinson, assessors for the county of Berks, who or a majority of them shall be a board of commissioners and assessors for the county of Berks.

And that Peter Burkhalter, Jacob Opp and Henry Lawald be and are hereby appointed commissioners; and that Peter Koler, Abraham Arndt, Benjamin Dupui, Peter Haas, Peter Beisel and John Van Camp, assessors for the county of Northampton, who or a majority of them shall be a board of commissioners and assessors for the county of Northampton.

And that Charles Cissna, Edward Coomb and John Cissna be and are hereby appointed commissioners; and that Matthew Patton, Harman Husbands, William Todd, William Parker, William Phillips and Benjamin Elliot, assessors for the county of Bedford, who or a majority of them shall be a board of commissioners and assessors for the county of Bedford.

And that Thomas Hewitt, William Gray and John Weitzel be and are hereby appointed commissioners; and that Jonathan Loudge, Walker Clark, Peter Holsterman, James Harrison,

Nicholas Miller and Jacob Heverlan, assessors for the county of Northumberland, who or a majority of them shall be a board of commissioners and assessors for the county of Northumberland.

And that Robert Hanna, James Cavat and James Pollock be and are hereby appointed commissioners; and that William Elliott, John Shields, Samuel Moorhead, James McClean, James Beard and Christopher Truby, assessors of the county of Westmoreland, who or a majority of them shall be a board of commissioners and assessors for the county of Westmoreland; who shall meet at the court-houses of their several and respective counties on Monday the fourteenth day of October next ensuing or as soon after as they can conveniently meet, and appoint proper persons to make returns to them of all the non-associators in their respective districts on or before the second Monday of November next ensuing.

[Section VI.] And be it further ordained and declared by the authority aforesaid, That the said commissioners and assessors shall have all the powers, authorities and jurisdictions which any commissioners and assessors heretofore enjoyed under the late laws of the province of Pennsylvania and shall proceed in raising, levying and collecting the said sum of four shillings in the pound and twenty shillings per month in the same manner and under the same appeals, rates, directions, penalties and forfeitures in all respects as in and by the several [late of] laws of the late government of Pennsylvania which were in force on the first day of July last for raising, levying, collecting and paying the assessments and taxes of said government, saving and excepting only such parts of the same laws as are hereby altered or supplied.

[Section VII.] And be it further ordained and declared by the authority aforesaid, That the direction in the said laws shall be effectual to all intents and purposes for raising, levying, collecting, securing and accounting for the said rates and sums of money and for levying and recovering the penalties and forfeitures and all other matters and things thereunto belonging as fully and effectually as if the same were particularly and at large repeated and inserted in this ordinance except in such cases as are herein ascertained, provided for or altered.

[Section VIII.] And be it further ordained and declared by the authority aforesaid, That the commissioners on any appeal from the rate or assessment of twenty shillings per month may remit the whole or any part thereof in case of the poverty, sickness or bodily [in] inability to labor of the non-associator, or other such case as would exempt an associator from mustering or marching when duly called thereto, but in no other case whatever.

And whereas persons above fifty years of age are exempted from personal service by reason of their inability to bear the fatigue of military duty; yet it is but just and reasonable that they should contribute towards the security of their property:

[Section IX.] Be it therefore ordained and declared by the authority aforesaid, That all and every such person above the age of fifty years shall pay the like sum of four shillings in the pound on the annual value of their estates.

Provided always, That this tax shall not be levied on or paid by any such person above fifty years of age who shall have one or more sons who are associators, unmarried and residing with his or their father.

And provided also, That if any person above the age of fifty years who shall be judged by the commanding officer of the battalion fit for military duty shall voluntarily enter into the association, then and in such case such person shall be exempted from paying the said tax.

And provided also, That nothing herein contained shall prevent or obstruct the levying, collecting and paying the fines heretofore set on non-associators by the late assembly but the same shall be collected under the same penalties, in the same manner and by the same persons as are mentioned and appointed to levy and collect the moneys to be raised by virtue of this ordinance.

Passed September 14, 1776. See Appendix XXXV, and the Act of Assembly passed December 26, 1777, Chapter 773. By a Resolution of Assembly passed September 26, 1776, it was declared that the taxes imposed by the ordinance in the text were illegal, and ought not to be paid. (Votes of Assembly, Vol. VI, p. 764.)

Laws enacted in the first sitting of the first general assembly of the commonwealth of Pennsylvania, which began at Philadelphia, November 28, 1776, and was continued by adjournments to March 21, 1777.

CHAPTER DCCXXXVI.

AN ACT TO ENABLE A SMALLER NUMBER OF THE MEMBERS OF ASSEMBLY THAN A QUORUM TO COLLECT THE ABSENT MEMBERS AND ISSUE WRITS FOR FILLING VACANCIES OCCASIONED BY NEGLIGENCE OR REFUSAL.

(Section I, P. L.) Whereas it is found necessary to empower a less number than two-thirds of the representatives of the freemen of this state in assembly met to collect the absent members, in order that the public business may not be delayed:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, if a quorum of the members of the general assembly who have qualified themselves to take their seats in assembly do not appear in the house for the space of six days after the time to which the house shall adjourn, it shall and may be lawful for the speaker for the time being by direction of a majority of the members present to issue his order commanding the attendance of each respective absent member, or such of them as they may see fit at the proper cost and charge of such members respectively, except prevented by sickness or some other occasion which shall be allowed by the house to be a sufficient excuse for absence, and in that case the costs shall be paid by order of the house out of the state treasury.

[Section II] (Section III, P. L.) And be it further enacted, That if two-thirds parts of the members of such counties respectively that do elect and send members to serve in the general assembly of this state shall neglect or refuse to appear and take their seats in the house within ten days after the time fixed by the constitution of this commonwealth, the majority of such as do appear in order to take their seats are hereby authorized and empowered to issue their writs to the sheriff or coroner of the respective counties where such neglect or refusal shall be, commanding him to cause an election to be held for electing a member or members to supply every such vacancy in such county (which election shall be held as the laws of Pennsylvania direct for filling vacancies in assembly as the same may be altered or revived by this house), which writs shall be as good and available to all intents and purposes as writs for supplying vacancies in the general assembly can or ought to be if they were issued by the speaker by direction of a full house. And the members which shall be so elected shall meet the other members in assembly on the fourteenth day after every such election, to which time and no longer the members that shall issue such writs may adjourn.

Passed January 21, 1777. See the Act of Assembly passed October 11, 1777, Chapter 764.

CHAPTER DCCXXXVII.

AN ACT TO REVIVE AND PUT IN FORCE SUCH AND SO MUCH OF THE LATE LAWS OF THE PROVINCE OF PENNSYLVANIA AS IS JUDGED NECESSARY TO BE IN FORCE IN THIS COMMONWEALTH AND [TO] REVIVE AND ESTABLISH THE COURTS OF JUSTICE AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas by the unconstitutional power claimed by the British King and parliament over the American colonies and the cruel and oppressive measures which the said King and parliament have pursued to establish that power it

became necessary for the colonies to declare themselves free and independent states, which was accordingly done pursuant to a resolve of the Continental Congress. Whereupon all authority being in any person under the said King consequently ceased, and the laws enacted by his representatives here became of no force or effect, although the same were for the most part suited to the circumstances of the people:

And whereas it is absolutely necessary for the well governing every state that laws properly adapted to the circumstances of the inhabitants be at all times in force:

[Section I] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That each and every one of the laws or acts of general assembly that were in force and binding on the inhabitants of the said province on the fourteenth day of May last shall be in force and binding on the inhabitants of this state from and after the tenth day of February next as fully and effectually to all intents and purposes as if the said laws and each of them had been made or enacted by this general assembly, and all and every person and persons whosoever are hereby enjoined and required to yield obedience to the said laws as the case may require until the said laws or acts of general assembly respectively, shall be repealed or altered or until they expire by their own limitation and the common law and such of the statute laws of England as have heretofore been in force in the said province, except as is hereafter excepted.

[Section II] (Section III, P. L.) Provided always and be it further enacted by the authority aforesaid, That so much of every law or act of general assembly of the province aforesaid as orders the taking or subscribing any oath, affirmation or declaration of allegiance or fidelity to the King of Great Britain or his successors or oath of office and so much of every law or act of general assembly aforesaid as acknowledges any authority in the heirs or devisees of William Penn, Esquire, deceased, the former governor of the said province, or any other person whomsoever as governor, and so much of every law or act of general assembly as ascertains the number of members of

assembly in any county, the time of election and the qualifications of electors; and so much of every law or act of assembly aforesaid as declares, orders, directs or commands any matter or thing repugnant to, against or inconsistent with the constitution of this commonwealth, is hereby declared not to be revived, but shall be null and void and of no force or effect, and so much of the statute laws of England aforesaid relating to felonies as takes notice of or relates to treason or misprison of treason or directs the style of the process in any case whatsoever shall be and is hereby declared of no force or effect, anything herein contained to the contrary notwithstanding.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That courts of general quarter sessions and gaol delivery and courts of petty sessions, courts of common pleas, orphans' courts and supreme courts, courts of oyer and terminer and general gaol delivery, shall be held and kept in each respective county in this state at the times and places directed and appointed by the said laws or acts of general assembly, and circuit and nisi prius courts as directed in and by an act of general assembly of the said province passed the twentieth day of May, one thousand seven hundred and sixty-seven, entitled "An act to amend the act for establishing courts of judicature within this province"¹ by the justices and judges that shall be hereafter elected and appointed, the same to commence in each county on the same days of the same months respectively appointed by the said laws for holding such courts that shall be next after the judges or justices of such courts are qualified to hold the same, and shall have, use and exercise all the powers, authority and jurisdiction that by the aforesaid laws, justices and judges of such courts respectively heretofore have had, used and exercised, and the powers of chancery given to the justices by the constitution of this state, agreeable nevertheless with this act and such other act or acts of general assembly as shall be hereafter made, and every officer of all and every of the courts in this state that is or shall be appointed shall have, use and exercise the same or like powers that such officer or officers of the same title, character and distinction might, could

¹ Passed May 20, 1767, Chapter 560.

or ought to have had, used and exercised under the charter and laws of Pennsylvania [until displaced]. And all constables, overseers of the poor, supervisors of the highways and the wardens and street commissioners of the city of Philadelphia that were last appointed or elected in the said province are hereby authorized and strictly enjoined and required to exercise their several and respective powers and execute, do and perform all the business and duties of their several and respective offices until others are appointed in their stead and places.

[Section IV] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all persons [who] have been appointed to any public office or offices by the said King of Great Britain or the late governors of Pennsylvania or by acts of general assembly aforesaid are hereby declared to be no longer officers in the several and respective offices to which they were so appointed, the trustees of the loan office only excepted.

[Section V] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the president and council shall appoint one of the justices in each respective county to preside in the respective courts, and in his absence the justices who shall attend the court shall choose one of themselves president for the time being.

[Section VI] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That every action that was in any court in the province of Pennsylvania at the last term that the said court was held, except discontinued or satisfied, shall be and is hereby declared to be in the same state and on the same rule and may be prosecuted in the same manner in the courts in each respective county to be hereafter held and kept as if the authority of such court had never ceased, and if any recognizance has been taken and not returned it is hereby declared good and valid in law and shall be returned and prosecuted as the laws direct saving the style, and where any person had obtained a judgment before any justice of the peace for any debt or sum of money and such judgment not discharged, the person in whose favor the judgment is, may on producing a transcript of such judgment to any justice of the peace in the county where the defendant dwells or can be found demand and obtain an

execution for the money mentioned in such judgment, which shall be of the same force and effect as if the judgment was obtained before the justice that granted the execution.

[Section VII] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That in all cases whatsoever where any person, being an officer of the province of Pennsylvania and by direction of the laws of the said province gave bond to the governor for the use of the province and the condition of such bond not fully complied with, all such bonds are hereby declared to be in force for the purposes they were designed and good and available in law, and may be sued and prosecuted in the name of the commonwealth in any court of record within this state as fully and effectually as such bonds might or could have been heretofore sued and prosecuted under the late government of Pennsylvania, and the money thereby recovered shall be applied as such acts direct, except where any such forfeiture or part thereof was granted to the governor, and in that case such forfeiture so granted shall be paid into the state treasury for the public use, and all fines and forfeitures granted to the governor of Pennsylvania by the laws by this act put in force shall and [are] hereby declared to be for the use of the state and shall be paid into the state treasury.

[Section VIII] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the style of the process in all courts and all prosecutions for offenses against the state shall be as the constitution directs.

Passed January 28, 1777. See the note to the Act of Assembly passed May 22, 1752, Chapter 255; and the Acts of Assembly passed February 5, 1777, Chapter 739; August 31, 1778, Chapter 804; September 10, 1778, Chapter 815.

CHAPTER DCCXXXVIII.

AN ACT FOR MAKING THE CONTINENTAL BILLS OF CREDIT AND THE
BILLS OF CREDIT EMITTED BY RESOLVES OF THE LATE ASSEMBLIES
LEGAL TENDER AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas it is highly necessary that the bills of credit emitted and made current by the Continental Congress and the bills of credit emitted and made current by the late assemblies of Pennsylvania ought to be made legal tender in all payments and to be alike taken by every person in this state in the discharge of debts and for the purchasing the necessaries of life and materials of defense, and it is evidently necessary that the counterfeiting of the said bills of credit made current by public authority should be prevented:

[Section I] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the sixth day of February next the bills of credit emitted and made current by the Continental Congress shall pass current in this state and be received in payments and discharge of all manner of debts, rents, sum and sums of money whatsoever due or hereafter to become due, payable or accruing upon or by reason of any mortgage, bond, specialty, bills, note, book account, promise, assumption or [any] other contract whatsoever according to the sum which the said bills respectively entitles the bearer thereof to receive, each dollar therein expressed to be taken and esteemed at the rate or value of seven shillings and six pence and of equal value in the payment of such debts with a Spanish milled silver dollar weighing seventeen penny weight and six grains, any clause, proviso or device in any bond, note or other instrument of writing to the contrary thereof in any wise notwithstanding.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the bills of credit made current

by the resolves of the late assemblies of Pennsylvania and the bills of credit emitted on loan by an act of assembly of the twenty-sixth of February, one thousand seven hundred and seventy-three,¹ shall in like manner be and is hereby declared to be a legal tender, and shall be taken and received in payment and discharge of all manner of debts whatsoever as aforesaid according to the sum specified in said bills, and if any person or persons from and after the said sixth day of February next shall refuse to receive any of the said bills of credit when properly tendered in payment of any debt or demand whatsoever, provided the whole of such debt or demand be tendered, he, she or they so refusing shall be forever barred from suing for or recovering the same in any court of this state, and if any suit or suits shall be commenced for such debt or demand after tender and refusal as aforesaid, the defendant may plead payment and give this act and the special matter in evidence.

[Section III] (Section IV, P. L.) Provided nevertheless, and be it further enacted by the authority aforesaid, That after any such tender as aforesaid being made, if the creditor to whom such money is tendered shall within four days next thereafter make demand of the said debt before two creditable witnesses it shall and may be lawful for such creditor to sue for and recover such debt, but shall recover no interest on said debt after such tender or costs on his action.

[Section IV] (Section V, P. L.) And be it further enacted by the authority aforesaid, That where any such tender shall as aforesaid be made in order to pay any debt or demand of money due and payable of any kind whatsoever and refused and not demanded within four days after such tender as aforesaid, then and in such case the said debt or money due or payable mentioned in any mortgage, bond, specialty, bill or note, book account or any other debt whatsoever is hereby declared to be forfeited, the one-third part thereof to the debtor and the other two-third parts to this state; and every such debtor who shall make such tender is hereby directed and required to pay the two-third parts of every debt so forfeited into the hands of the treasurer of the county appointed to receive the state tax, whose

¹ Passed February 26, 1773, Chapter 672.

receipt shall be a sufficient discharge to such debtor for the moneys by this act forfeited, retaining the one-third part in his, her or their own hands.

(Section VI, P. L.) And whereas divers persons in this state (taking advantage of the necessitous) when they put money on loan or in other contracts have bargained with and bound the borrower or purchaser to pay the debt in sterling money of Great Britain according as the exchange might be between the cities of Philadelphia and London. And as the intercourse between the said cities is now so far obstructed that no such exchange can be ascertained, and except some rule is settled by law the debtor cannot pay his debt though he be so disposed and has in his possession bills of credit for that purpose:

For remedy whereof:

(Section V) Be it further enacted, That where any person stands bound to pay in sterling money aforesaid according to the exchange as aforesaid such creditor shall receive continental bills of credit or bills of credit of this state in payment and discharge of any such debt at the rate of one hundred and fifty-five pounds Pennsylvania currency for one hundred pounds sterling if tendered as aforesaid, and on refusal thereof shall be deemed and taken to be within the meaning of this act in cases of refusal of the bills of credit in tender as aforesaid.

(Section VII, P. L.) And whereas bonds or other writings may have been given for money to be paid in half johanneses, weighing nine pennyweight [or] as much in bills of credit as will purchase the same:

[Section VI.] It is hereby declared and enacted, That eight continental dollars in bills of credit aforesaid or three pounds in bills of credit of this state aforementioned or of any of the bills of credit of Pennsylvania shall be deemed and taken to be worth one gold Portugal half johannes weighing as aforesaid, and in the same proportion for all other gold coin. And all persons whomsoever refusing to take and receive such bills of credit in payment and discharge of such debt and redemption of such bond or other writing as aforesaid shall be deemed and taken to be within the meaning of this act, and shall forfeit such debt

and be in all things dealt with as in this act is directed in cases of refusal on tender.

[Section VII] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That every such debtor who shall make tender of any debt or demand as aforesaid which shall be refused and not again demanded as aforesaid is hereby directed and required under the penalty of two shillings out of the pound of such debt within the space of six days to inform one or more of the commissioners of the county for the time being elected or appointed to levy the public taxes of the sum so tendered and to whom, and the time when and the names of the witnesses present at such tender. And the commissioners of every county shall keep fair books of entries of all such sums of money forfeited by this act and lay the same before the committees of assembly appointed to settle the public accounts for the time being, and in case any debtor neglect[s] to give such information then any other person who gives the first information shall be entitled to the aforesaid two shillings in the pound and three pence per mile traveling charges for his trouble.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the commissioners for the time being of every county of this state are hereby authorized and required to ask, demand, sue for and recover two-third parts of every debt or sum of money so as aforesaid tendered and refused and not afterwards demanded as aforesaid, which action or actions, suit or suits, shall be brought or commenced and prosecuted by the said commissioners by name and style of the commissioners of such county, and the process shall be the same and as effectual in law as if such mortgage, bond, specialty or note was given to such commissioners bona fide for a valuable consideration or as if such other debt was contracted with said commissioner or commissioners; and after receiving the same some one of them shall enter satisfaction in the records of such mortgage as is required by an act of general assembly of Pennsylvania in cases of discharging mortgages.

(Section X, P. L.) And if any person or persons having so as aforesaid tendered any money in payment of any debt, and the same being refused and sued for and recovered by the commis-

sioners or paid without any suit commenced, it shall and may be lawful for every such debtor to ask for and demand his, her or their mortgage, bond, specialty, bill or note, or a discharge of his, her or their debt if it shall be of any other kind or denomination, every such demand being made before two creditable witnesses; and such creditor refusing or neglecting to deliver up to such debtor such writing or give such discharge as aforesaid, it shall and may be lawful for every such debtor to sue for and recover of and from such creditor, his or her heirs, executors or administrators, a sum of money equal to the sum for which such mortgage, bond, specialty, bill or note was given, together with interest and costs of suit.

[Section IX] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in every case where any title, deed or deeds have been or shall be lodged or deposited in the hands of any person or persons to whom any mortgage has been or may be made and the money mentioned therein forfeited as by this act declared, and such mortgagor, his or her heirs, executors or administrators, or the owner of the lands and tenements mentioned in such deeds, shall demand the same and be refused, it shall and may be lawful for such mortgagor, his or her heirs, executors or administrators, or such owner of the lands to sue for and recover of such mortgagee, his or her heirs, executors, administrators or assigns, a sum of money not exceeding double the value of the lands and tenements mentioned in such deeds; and if any such person or persons as aforesaid being sued shall at any time before the determination of such suit deliver up to the plaintiff or lodge such deed or deeds whole and undefaced in the prothonotary's office of the court wherein such action shall be and pay the cost of suit and a sum as the court shall order not exceeding twenty pounds to the prosecutor for his trouble, in that case such action shall cease.

(Section XII, P. L.) And in all cases where tender shall be made as aforesaid and the person to whom such tender may be made shall afterwards assign, transfer or set over any mortgage, bond, specialty, bill or note, every such person shall be and is hereby declared to be guilty of fraud, and forfeit and pay to the person to whom such assignment as aforesaid may be made or to

feited he shall pay the same to the treasurer aforesaid, who shall give his receipt for the same; and every justice of the peace in this state shall once in each year send an account to the said commissioners of the sum or sums of money he shall have recovered so as aforesaid forfeited, which the commissioners shall make fair entries of and report the same to the committee of assembly aforesaid for the time being; and the fees or allowance to the said commissioners for the services and duties by this act required shall be the same as they have a right by law to take and receive in other cases. And if any of the said commissioners shall refuse or neglect to do and perform his or their duty by this act directed and required, such commissioners respectively shall be fined in a sum of money not exceeding ten pounds by the next court of quarter sessions and another or others appointed in his or their stead by the said court, every such fine to be for the use of the state, and be recovered as fines are directed to be recovered by the act for raising county rates and levies.

[Section XI] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons from and after the publication of this act shall counterfeit or alter any of the aforesaid bills of credit with design to increase the value of such bill by this act made a legal tender or any of the bills of credit made current by any of the assemblies, conventions or congresses of any of the United States of North America or utter any of the said bills of credit so counterfeited or altered knowing them to be such, and being duly convicted thereof shall suffer all the pains and penalties, fines and forfeitures, which by the late laws of Pennsylvania could or might have been inflicted on any person or persons so offending.

Passed January 29, 1777. See the note to the Ordinance of the First Constitutional Convention passed August 1, 1776, Chapter 728. The act in the text was repealed by the Act of Assembly passed June 21, 1781, Chapter 945.

CHAPTER DCCXXXIX.

AN ACT DIRECTING THE MODE AND TIMES OF ELECTING JUSTICES OF THE PEACE FOR THE CITY OF PHILADELPHIA, AND THE SEVERAL AND RESPECTIVE COUNTIES IN THIS COMMONWEALTH, AND FOR OTHER PURPOSES THEREIN MENTIONED.¹

(Section I, P. L.) Whereas it is directed in the constitution of this state, "That justices of the peace shall be elected by the freeholders of each city and county respectively, as the law shall direct:"

[Section I] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the freeholders of each ward of the city of Philadelphia, the freeholders of the district of Southwark and the townships of Moyamensing and Passyunk united and the township of the Northern Liberties of the said city are hereby authorized and required to meet at the state house in the said city on the twentieth day of February instant, and then and there each ward in the city, the said united district and the said township of the Northern Liberties of the city of Philadelphia for themselves respectively, to elect two fit persons for justices of the peace for each ward and four fit persons for justices of the peace for the said united district (consisting of the district of Southwark and the townships of Moyamensing and Passyunk aforesaid) and four fit persons for justices of the peace for the said Northern Liberties.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners and assessors who have then been last elected to assess and levy the public taxes of the counties of Philadelphia, Bucks, Chester, Lancaster, Berks, York and Northampton or some five of them in each of the counties aforesaid for which they were chosen respectively, shall meet together on or before the twentieth day of February next at the court house in each respective county and divide the

¹ The original roll of this act is missing; and therefore it has been compared with the copy in the Act Books.

county of Philadelphia into twelve districts, the county of Bucks into thirteen districts, the county of Chester into fifteen districts, the county of Lancaster into twenty-two districts, the county of Berks into twelve districts, the county of York into eighteen districts and the county of Northampton into sixteen districts, and shall appoint and publish the time and place of election by at least six public advertisements in each respective district, the publication to be at least ten days before the day of election, for which they shall be paid at the same rate as they shall be paid for their other services; and the freeholders of each of the several and respective districts in each of the counties aforesaid are hereby authorized and required to meet together on the tenth day of March at the place so appointed by the commissioners and assessors and elect two fit persons for justices of the peace for each district.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if the commissioners and assessors of any of the counties aforesaid shall neglect or refuse to do and perform the duties and services required of them by this act, every such commissioner or assessor so refusing or neglecting to appear at the time herein appointed (if not prevented by sickness or other unavoidable accident) shall forfeit and pay the sum of twenty pounds to the treasurer for the time being, to be added to the tax raised in such county to defray the public debts of the county, the said forfeiture to be levied and collected by such commissioners and assessors as do so appear, as the county taxes are levied and collected.

[Section IV] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the freeholders of each township in the county of Cumberland are hereby authorized and required to meet on the twenty-fifth day of March next, and the freeholders of each township in the counties of Bedford, Northumberland and Westmoreland are hereby authorized and required to meet together on the twenty-fifth day of April next, at some proper place in each township and elect two fit persons for justices of the peace for each township; but where there is a county town in any district in this state not having a charter right to elect burgesses, the freeholders of such district shall elect six

fit persons for justices of the peace for such district; but before the freeholders of any ward in the city of Philadelphia or the district composed of the district of Southwark and the townships of Moyamensing and Passyunk and the township of the Northern Liberties of the city of Philadelphia or any other district or township shall proceed to the election of justices of the peace, they shall on the same day at the place appointed for the election (if not before done) elect one sufficient person for inspector and one for an assistant judge where such district shall consist of more than one township, but where a district shall consist of but one township the freeholders shall elect one inspector and two assistant judges, and the said judges shall assist the said inspectors in receiving and counting the votes of electors and preventing frauds and impositions therein. And when the elections are finished and the numbers cast up, the inspector or inspectors and judges aforesaid or a majority of them shall forthwith transmit a certificate thereof under their hands and seals to the president and council or to the general assembly if then sitting, and one-half the number so elected shall be commissioned according to the constitution of the state.

[Section V] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That before the inspectors and judges proceed to receive the votes of the freeholders they shall take an oath or affirmation to the following effect (speaking the words themselves without any person administering the same), to-wit, if an inspector:

“I do swear, or I do solemnly, sincerely and truly declare and affirm, that I will well and faithfully receive and cast up all the freeholders’ votes within my precinct as may be offered to me at this election for justices of the peace, and I will not refuse any vote through prejudice or ill-will nor receive any through favor or affection, but will behave myself as an honest inspector of this election according to the best of my skill and judgment.”

And if a judge of the election:

“I will faithfully assist the inspectors of this election in performing the duties required of them by this act according to the best of my skill and judgment.”

And the overseers of the poor of the respective townships in

the counties of Cumberland, Bedford, Northumberland and Westmoreland are hereby directed and required to appoint a place for holding the said election in their respective townships and give public notice thereof by advertising the same at six or more public places at least ten days before the time appointed by this act under the penalty of ten pounds for every refusal or neglect, to be paid to the person that will sue for them. But if it shall happen that any township or townships shall not have therein any overseers of the poor at the time aforesaid, it shall and may be lawful for the inhabitants of such township or townships respectively to meet together at some place as they may agree on and elect two fit persons for justices of the peace for each of such townships in the manner before mentioned.

[Section VI] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the boroughs of Chester, Bristol and Lancaster shall be and they are hereby authorized and empowered to exercise the right of electing burghesses, constables and other their officers as is by their several and respective charters granted to them, and moreover the burghesses of the boroughs of Bristol and Lancaster shall be justices of the peace for the county in which they respectively are and have equal power with the other justices of the peace for such county without any further or other commission for that purpose.

[Section VII] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That when the justices of the peace elected as aforesaid or that may be appointed by the president and council have taken the oaths or affirmations and received their commissions as directed in the constitution of this state, they shall and may exercise all the powers, authority and jurisdiction that the justices of the peace might, or could or ought to have had under the late laws and charter of the province of Pennsylvania before the fourteenth day of May last, and their precepts shall be in the style and name of the Commonwealth of Pennsylvania in all cases where the King's name has heretofore been used in such precepts, subject nevertheless to the abridgments, exceptions and regulations made by an act of general assembly of this state, entitled "An act to revive and put in force

such and so much of the late laws of the province of Pennsylvania as is judged necessary to be in force in this commonwealth and to revive and establish the courts of justice and for other purposes therein mentioned.”¹

Passed February 5, 1777. See the Acts of Assembly passed March 15, 1777, Chapter 749; August 31, 1778, Chapter 805. Repealed by the Act of Assembly passed March 31, 1784, Chapter 1093. X, 1777, 20

CHAPTER DCCXL.

AN ACT DECLARING WHAT SHALL BE TREASON AND WHAT OTHER CRIMES AND PRACTICES AGAINST THE STATE SHALL BE MISPRISON OF TREASON.

(Section I, P. L.) Whereas it is absolutely necessary for the safety of every state to prevent as much as possible all treasonable and dangerous practices that may be carried on by the internal enemies thereof and to provide punishments in some degree adequate thereto, in order to deter all persons from the perpetration of such horrid and dangerous crimes:

Therefore:

[Section I] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all and every person and persons (except prisoners of war) now inhabiting, residing or sojourning within the limits of the state of Pennsylvania or that shall voluntarily come into the same hereafter to inhabit, reside or sojourn, do owe and shall pay allegiance to the state of Pennsylvania.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons belonging to or residing within this state and under the protection of its laws shall take a commission or commissions from the

¹ Passed January 28, 1777, Chapter 735.

King of Great Britain, or any under his authority or other the enemies of this state or the United States of America, or who shall levy war against the state or government thereof, or knowingly and willingly shall aid or assist any enemies at open war against this state, or the United States of America by joining their armies or by enlisting or procuring or persuading others to enlist for that purpose, or by furnishing such enemies with arms or ammunition, provision or any other article or articles for their aid or comfort, or by carrying on a traitorous correspondence with them, or shall form or be anywise concerned in forming any combination, plot or conspiracy for betraying this state or the United States of America into the hands or power of any foreign enemy; or shall give or send any intelligence to the enemies of this state for that purpose, every person so offending and being thereof legally convicted by the evidence of two sufficient witnesses in any court of oyer and terminer shall be adjudged [guilty] of high treason and shall suffer death, and his or her estate shall be and is hereby declared to be forfeited to the commonwealth, except such parts thereof as the judges of the court wherein such conviction may be shall order and appropriate to the support of such traitor's children or wife and children (if any) as to them may appear sufficient until the same shall be otherwise regulated by act of general assembly.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons within this state shall attempt to convey intelligence to the enemies of this state or the United States of America, or by publicly and deliberately speaking or writing against our public defense, or shall maliciously and advisedly endeavor to excite the people to resist the government of this commonwealth or persuade them to return to a dependence upon the crown of Great Britain, or shall maliciously and advisedly terrify or discourage the people from enlisting into the service of the commonwealth, or shall stir up, excite or raise tumults, disorders or insurrections in the state or dispose them to favor the enemy, or oppose and endeavor to prevent the measures carrying on in support of the freedom and independence of the said United States, every such

person being thereof legally convicted by the evidence of two or more creditable witnesses in any court of general quarter sessions shall be adjudged guilty of misprison of treason and shall suffer imprisonment during the present war, and forfeit to the commonwealth one-half of his or her lands and tenements, goods and chattels.

[Section IV] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all offenses by this act declared misprison of treason shall be cognizable before any justice of the peace of the city or county where the offense was committed or where the offender can be found, and every justice of the peace within this state on complaint to him made on oath or affirmation of one or more credible person or persons shall cause such offender to come before him and enter into a recognizance with one or more sufficient surety or sureties to be and appear at the next court of general quarter sessions for the said city or county and abide the judgment of the court, and in the meantime to be of the peace and good behavior toward all people in the state, and for want of such surety the said justice shall commit such offender to the common gaol of the said city or county. And all persons charged on oath or affirmation with any crime or crimes by this act declared to be treason against the state shall be dealt with and proceeded against as in other capital crimes are [sic] [is] by law directed. .

Passed February 11, 1777. See the notes to the Act of Assembly passed May 31, 1718, Chapter 236; and the Ordinance of the First Constitutional Convention passed September 5, 1776, Chapter 732; and the Acts of Assembly passed March 8, 1780, Chapter 889; December 3, 1782, Chapter 1000; February 18, 1785, Chapter 1132; April 22, 1794, Chapter 1777. Repealed by the Act of Assembly passed March 31, 1860, P. L. 427.

CHAPTER DCCXLI.

AN ACT PRESCRIBING THE MODE AND MANNER OF QUALIFYING THE COMMISSIONERS AND ASSESSORS.

(Section I, P. L.) Whereas it is absolutely necessary for the commissioners and assessors of the respective counties in this

commonwealth to enter immediately upon the execution of their offices as the laws direct:

And whereas the want of justices in several of the counties aforesaid renders it impracticable to qualify the commissioners and assessors as directed by the late laws of Pennsylvania:

For remedy whereof:

[Section I] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the commissioners and assessors of the respective counties in this state where there are no justices to qualify them be required and enjoined, and they are hereby required and enjoined, to meet together at their respective court houses on [or before] the twentieth day of February instant, and the commissioners aforesaid or any one of them shall cause their clerk to write in their minute book the following words, to-wit:

“I do swear (or affirm, as the cause may be) that I will well, truly and faithfully perform, do and execute the several and respective duties required of me by the laws of this state as a commissioner of the county of, in this commonwealth according to the best of my skill and abilities, and herein I will spare no person through fear, favor or affection, nor grieve any through hatred or ill will;”

And when such words are wrote as aforesaid the commissioners, each one for himself, shall take up the aforesaid writing and repeat the words, and when each commissioner shall have repeated the words aforesaid he shall subscribe his name thereunto. And in the counties where there is a justice or justices the said commissioners shall take an oath or affirmation of the same import before one of the justices, who is hereby enjoined and required to administer the same, which oath or affirmation shall be entered in the said commissioners' minute book as aforesaid.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the assessors of the respective counties in this commonwealth are enjoined and required to take an oath or affirmation, which oath or affirmation shall be in the same words as is directed in this act to be taken by the

commissioners, excepting the word commissioner, in the stead of which the word assessor shall be used. And the commissioners or any one of them (having taken the oath as hereinbefore directed) are hereby authorized and required to administer [the same], which oath so taken shall be subscribed by the assessor aforesaid and certified by the commissioner.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the oaths and affirmations taken as directed in this act is [are] hereby declared to be as binding to all intents and purposes on all persons as the oaths and affirmations administered and taken according to the form prescribed by the laws of Pennsylvania.

Passed February 12, 1777. See the Act of Assembly passed April 17, 1795, Chapter 1852.

CHAPTER DCCXLII.

AN ACT DIRECTING THE MODE OF COLLECTING THE FINES IMPOSED ON PERSONS WHO DID NOT MEET AND EXERCISE IN ORDER TO LEARN THE ART MILITARY ACCORDING TO THE RESOLVES OF THE LATE ASSEMBLY OF PENNSYLVANIA.

(Section I, P. L.) Whereas by a resolve of the late house of assembly dated the fifth day of April, one thousand seven hundred and seventy-six, imposing a fine on all able-bodied effective male white persons capable of bearing arms, not associators, between the ages of sixteen and fifty years (ministers of the gospel of all denominations, schoolmasters in actual employ and servants purchased bona fide and for a valuable consideration only excepted):

(Section II, P. L.) And whereas (to the great discouragement and dissatisfaction of the spirited and virtuous associators in this state) the fines have not been collected:

Therefore, for making effectual the said resolve:

[Section I] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the freemen of the Common-

wealth of Pennsylvania in General Assembly met, and by the authority of the same, That the three commissioners who [sic] [which] at the time of their meeting shall then have been last elected in each county respectively in this commonwealth or any two of them be required and enjoined, and they are hereby required and enjoined to meet together at the court house in their respective counties on the twenty-eighth day of February instant and appoint a proper person in each ward, township and district under their hands and seals to make a return to them in writing of the names and surnames of every male white person capable of bearing arms at the time of passing the said resolves by the said late assembly between the ages of sixteen and fifty years (ministers of the gospel of all denominations, schoolmasters in actual employ and servants purchased bona fide and for a valuable consideration only excepted) where such returns have not already been made.

[Section II] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons appointed as aforesaid shall neglect or refuse to perform the duty aforesaid, the commissioners aforesaid of the respective counties or any two of them are hereby required and enjoined to fine him or them in any sum not exceeding twenty pounds and such fine shall be levied and recovered in the same manner as hath been heretofore directed by the laws of Pennsylvania for levying and recovering fines imposed on assessors refusing or neglecting to perform the duties therein required of them, which fines shall be paid into the hands of the respective county treasurer[s], to be by them applied to the same use as other moneys directed to be levied by this act. And the commissioners aforesaid or any two of them are hereby enjoined and required to appoint some proper person to make out the lists aforesaid in the place of the person first appointed, who shall make out such lists and return them to the commissioners on or before the twenty-seventh day of March next ensuing.

[Section III] (Section V, P. L.) And be it further enacted by the authority aforesaid, That every person appointed as aforesaid shall before he enters upon the duty of his office take an oath or affirmation, which any justice, commissioner or county

assessor is hereby authorized and required to administer without fee or reward (if a person of the first appointment), that he will make a faithful and diligent inquiry and endeavor by proper and lawful ways and means to procure a true and exact account and list of the names and surnames of all male white persons capable of bearing arms who were between the ages of sixteen and fifty years before the last Monday in February last past residing within his township, borough, ward or district, and will make a just and true return of such account or list to the commissioners aforesaid on or before the eleventh day of March next ensuing or (if a person not of the first appointment) on or before the twenty-seventh day of March next ensuing, and every person appointed and acting as aforesaid shall receive for his trouble in making out and returning such lists the sum of five shillings for every day he shall be employed in that service. And if any dispute shall arise concerning the age of any non-associator the same shall be determined by the commissioners aforesaid, who shall be judges of the evidence produced in favor of such non-associator.

[Section IV] (Section VI, P. L.) And be [it] further enacted by the authority aforesaid, That the captain or commanding officer of each company is hereby required and enjoined on or before the twentieth day of March next ensuing to deliver under his hand to the colonel or commanding officer of the battalion to which he belongs a list of all the persons belonging to his company who have at any time signed the articles of association, therein mentioning the time of their first signing the said articles, the county and township, borough, ward or district in which each of the said associators resides, which the colonel or commanding officer shall carefully keep, and therefrom shall immediately make out and return on or before the twenty-seventh day of March a fair duplicate to the commissioners aforesaid except the same be already done.

[Section V] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the commissioners aforesaid respectively or any two of them are hereby required and enjoined to cause their clerks to make out fair lists of the names and surnames of all persons mentioned in the duplicates returned to

them as aforesaid with the place of abode of those who appear by the duplicates returned by the colonels or commanding officers not to have signed the articles of association and thereupon the said commissioners are required to charge every such person not associating the sum of three pounds ten shillings on the lists made out on their order as aforesaid, and every person who hath signed the articles of association after the last Monday of February last three shillings and six pence for each and every parade day appointed by the aforesaid resolves before his signing as aforesaid, all which lists as aforesaid to be made out on or before the tenth day of April next, on which day the assessors of the city and the assessors of the counties respectively or any four of them and one or more of the commissioners shall meet together at the county court-house or such convenient place as the said commissioners shall appoint, and appoint a proper person in each township, ward and district in the same manner as directed in the county levy act of Pennsylvania for collecting the county taxes to collect the fines aforesaid, which collectors so appointed shall have the same powers and authorities as the collectors appointed by virtue of the county levy act aforesaid for collecting county taxes have had and exercised or ought to have and exercise.

[Section VI] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any collector appointed as aforesaid shall refuse or neglect to do and perform his several and respective duties as required by this act, he shall forfeit and pay the sum of twenty pounds, to be recovered in the same manner as fines are directed to be recovered from the collectors appointed by virtue of the county levy act aforesaid upon their neglect or refusal and be paid into the same hands and applied to the same uses as other money raised by virtue of this act. And in such case the commissioners of the counties respectively or any two of them shall appoint another collector in his stead, who shall have the same power and authority as the other collectors aforesaid and be subject to the same fines and forfeitures as aforesaid.

[Section VII] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any apprentice was willing

to associate and his master or mistress did not permit him so to do or detained him from going to the parade on any of the days of exercise appointed by the resolve of the late assembly, such master or mistress shall be liable to the payment of three shillings and six pence for each time he or she did hinder or so detain his or her said apprentice; and if such apprentice shall have neglected or refused to appear on any of the said days of exercise, not being detained by his said master or mistress, he, if of estate, shall by his guardian pay such fine, and the father or mother of any minor or minors associators and non-associators being in the service of his father or mother shall be accountable to the collector for his or their fines charged as aforesaid.

[Section VIII] (Section X, P. L.) And be [it] further enacted by the authority aforesaid, That if any commissioner or city or county assessor shall neglect or refuse to perform any of the duties required of him by this act, such commissioner or assessor shall forfeit and pay the sum of thirty pounds for every such offense, such fine to be levied and recovered in the same manner as the fines are directed to be levied and recovered in the county levy act aforesaid and paid and appropriated in the same manner and for the same purposes as the other moneys raised by virtue of this act; and in such case the commissioner or commissioners and assessors who shall proceed agreeable to the directions of this act or a majority of them are hereby enjoined to appoint another suitable and proper person to act in his stead, so refusing or neglecting as aforesaid, which person so appointed shall have the same power and authority and perform the several duties hereby required of the said commissioners and assessors, and on failure thereof shall forfeit and pay the sum of thirty pounds, to be applied as aforesaid.

[Section IX] (Section XI, P. L.) Provided nevertheless, and it is hereby enacted by the authority aforesaid, That those who have formed themselves into regular companies and signed written articles of association agreeable to the intentions of the resolves of the late assembly, and have attended the parade and mustered the number of twenty days within the time limited by the said assembly (unless having marched into the Jerseys

on actual service) shall be considered in the same light and dealt with in the same manner as those who have signed the articles of association framed by the late house of assembly. And that such as have not signed any association whatever nor attended to any particular muster days, yet on the first call of the associators last summer did cheerfully turn out to camp and serve the times required of the associators in defense of the American states, shall be deemed as associators from the time of their engaging in the said service.

[Section X] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any non-associator or the parent, guardian, master or mistress of any non-associator between the ages of sixteen and twenty-one years or any other non-associator shall think him or herself aggrieved by the assessment aforesaid, he or she may appeal to the county commissioners where he or she resides, who or any two of them shall meet together on or before the twelfth day of May next ensuing and so from day to day as long as may be necessary and at such place or places as the commissioners or any two of them shall appoint, of which days and places of meeting they shall cause the collectors to give due notice to the persons so charged or by this act made liable to the fines as aforesaid and also return the names of all persons omitted or not charged in their duplicates respectively who are made finable by this act, and then and there the said commissioners or any two of them shall hear such appeals as may be made to them and may discharge such assessment or lower the same as to them on consideration of inability of person or estate (only) shall appear just and equitable.

[Section XI] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners of the counties respectively, or any two of them, within ten days after hearing and determining the appeal made to them shall rectify and adjust the lists returned to them as aforesaid and the assessments thereon and deliver to the treasurers of the counties respectively a true account of the sum total which every collector shall be charged with in pursuance of this act, and shall cause their clerks to make out and deliver duplicates thereof to the respective collectors of the townships, boroughs, wards and

districts within the said city and counties respectively, who shall collect the said sums and shall pay the same into the hands of the county treasurers respectively, who shall pay the same into the hands of the state treasurer for the time being to be applied in such manner as this or any future house of assembly shall direct; and the commissioners and assessors shall be allowed seven shillings and six pence per diem for their service aforesaid; and all persons shall be liable to the payment of the said sums in the same manner, and the collectors shall have the same powers and shall proceed in collecting and levying the said sums and shall be accountable in the same manner as is directed by the act of general assembly of Pennsylvania, entitled 'An act for raising county rates and levies,'¹ for collecting the county taxes; and the collectors shall have for their care and trouble in collecting the said fines one shilling in the pound for all such moneys collected as aforesaid; and the treasurer shall have for his care and trouble in receiving from the collectors, delivering to the state treasurer and paying the commissioners' orders one per cent; and the state treasurer shall have for his trouble one-fourth per cent.

[Section XII] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the treasurer of the counties respectively before they enter on the duties hereby required of them shall give security to the commissioners for the faithful discharge of their office in the sum of fifteen hundred pounds.

Passed February 14, 1777. See the note to the Ordinance of the First Constitutional Convention passed September 14, 1776, Chapter 735; and the Acts of Assembly passed March 17, 1777, Chapter 750; June 18, 1777, Chapter 758; October 10, 1779, Chapter 865.

CHAPTER DCCLXIII.

AN ACT AUTHORIZING THE COLLECTORS OF THE EXCISE DUE AND TO BECOME DUE ON SPIRITUOUS LIQUORS TO COLLECT THE SAME, AND DIRECTING THE MODE OF OBTAINING TAVERN AND OTHER LICENSES AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas by the ceasing of the powers of government in the province of Pennsylvania the several and re-

¹ Passed March 20, 1724-25, Chapter 284.

spective collectors of excise imposed on spirituous liquors by the laws late of the said province could not collect the same as by the said laws they were directed and required, although the same [was and still] is absolutely necessary for the purposes of defraying the expenses of government and sinking the bills of credit emitted by resolves of the late assembly for the public defense, and although it is evident that dealers in liquors have received greater profits on such liquors than was customary theretofore or than is just and reasonable, to the increasing their own estates and the injury of many of the good people of the state. And as it is also just and reasonable that all persons who make great profits and advantage by the public should contribute to the public expense accordingly:

[Section I] (Section II, P. L.) Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the collector of excise on spirituous liquors in each county in this state who was appointed to that office by the last assembly of the said province shall be and continue collector of the excise on spirituous liquors in the county for which he was so appointed (if living) until another shall be appointed in his stead; and the said collectors and every of them and such others as may be hereafter appointed shall have, use and exercise all the powers and authority which collectors of the excise might, could or ought to have had, used and exercised under or by virtue of the said laws, and shall in all things respecting the duties of the said office be governed by the laws aforesaid. And all persons whomsoever that by the laws aforesaid ought to have paid excise, if the force and effect of the said laws had not ceased, shall be and are hereby declared to be within the meaning [and intention] of this act, and shall pay the duty or excise on all liquors they and each of them have purchased and not paid excise for according to the said laws as far as can be known and discovered. And all retailers of spirituous liquors and every other person coming under or within the notice of the said laws are hereby declared to be and to have been subject to all the duties of excise, fines and forfeitures, pains and penalties, by the said laws inflicted or directed to be collected, paid, taken

and received as fully and amply as the same could or might have been done at any time before the fourteenth day of May last.

(Section III, P. L.) And whereas it is represented to this house that divers tavern keepers, public house keepers, beer house keepers and keepers of dram shops have not taken out licenses or paid license fees as the laws of the said province directed and required, although they have continued their respective businesses as before and received as great profits and emoluments therefrom as those who have taken and paid for such licenses. Now in order that equal justice may be done to all and the license fees applied to the use of the state according to the true intent and meaning of the constitution thereof:

[Section II] (Section IV, P. L.) Be it enacted by the authority aforesaid, That where any person had kept a tavern, inn, public house of entertainment, ale house, beer house or dram shop by the governor's license in the year one thousand seven hundred and seventy-five and did not take out a license for the year one thousand seven hundred and seventy-six, although they continued to keep such tavern, public house, ale house or dram shop, every such person is hereby declared indebted to this state [in] a sum of money equal to the sum he or she had last paid or ought to have paid for such license agreeable to the laws aforesaid; and every person who has (without license) set up and kept a tavern, public house of entertainment, inn, ale house, beer house or dram shop and continued the same for the space of three months in the years one thousand seven hundred and seventy-six and one thousand seven hundred and seventy-seven is hereby declared to be indebted to this state [in] a sum of money equal to the fees or sum of money directed by the laws aforesaid to be paid for a license for keeping such house, tavern [or dram shop] which shall be recovered by the collector of the excise for the respective counties in the same manner as fines and forfeitures are directed to be recovered by the laws aforesaid, and when recovered shall be considered as fines or forfeitures and paid into the treasury with the other fines and excise moneys, and the collectors shall have the same allowance or pay for collecting as

by the said laws he ought to have for collecting fines and forfeitures.

[Section III] (Section V, P. L.) And be it further enacted by the authority aforesaid, That no person or persons whatsoever within this state shall set up or keep a tavern, inn, public house of entertainment, ale house, beer house or dram shop unless such person or persons be first recommended by the justices in the respective county courts of quarter sessions for the said county to the president and council of this state for the time being for a license for so doing who shall (on such person having given bond and paid to the clerk of such court respectively the whole of the fees as directed by the laws aforesaid to be paid for such license) grant the same, and the secretary of the council of this state shall have for making out each license the sum of six shillings. And if any person or persons shall keep any tavern, inn, public house of entertainment, ale house, beer house or dram shop by virtue of a license from the president aforesaid, he, she or they shall be in all things subject to the rules, regulations and restrictions of the said laws in such cases made and provided where the license was to be granted by the governors of Pennsylvania, and if any person or persons shall keep any tavern, inn, public house of entertainment, ale house, beer house or dram shop, without first obtaining a license for each respective year, all and every such person and persons shall, for every such offense be dealt with as the said laws in such case direct.

[Section IV] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the clerk of the court of each respective county shall pay all such moneys as he shall receive (his own lawful fees only excepted) into the state treasury forthwith after the term at which such recommendations were granted, and transmit an account of the number of such licenses and the sum of money so received and paid into the hands of the treasurer, to the committee appointed by the assembly to settle the public accounts for the time being which moneys shall be subject to the drafts and orders of the house of assembly.

[Section V] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the president and in his absence the vice president of this state shall grant licenses in all cases.

where the governors of Pennsylvania have heretofore granted licenses, and the fees shall be the same as have heretofore usually been [in like cases] and shall be paid into the hands of the state secretary (except in the case aforesaid) and the said secretary shall make fair entries of all such moneys he shall so receive and shall once in three months or oftener pay the same into the hands of the treasurer aforesaid for the use of the state, retaining in his hands the sum of five shillings for his trouble in making out each of the said licenses and affixing the seal to the same, and shall transmit an account thereof on oath or affirmation to the committee of accounts for the time being appointed by the general assembly to settle the public accounts.

[Section VI] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That all peddlers, hawkers and petty chapmen shall be and are hereby declared to be within the meaning and intention of this act.

Passed February 18, 1777. As to Sections I-V, see the notes to the Acts of Assembly passed February 28, 1710-11, Chapter 172; September 21, 1756, Chapter 412; March 21, 1772, Chapter 656; and the Act of Assembly passed April 22, 1794, Chapter 1763.

As to Section VI, see the note to the Act of Assembly passed February 14, 1729-30, Chapter 308.

CHAPTER DCCXLIV.

AN ACT TO DISCOURAGE DESERTION AND TO PUNISH ALL SUCH PERSONS AS SHALL HARBOR OR CONCEAL DESERTERS.

(Section 1, P. L.) Whereas many soldiers being duly enlisted or employed in the service of the United States of America and others in the service of this state desert and absent themselves illegally from their respective duties [to] the great prejudice of the service and the ill example of others:

In order therefore that an evil so dangerous in its consequences may be properly discouraged and (if possible) finally prevented, and the encouragers and abettors thereof duly punished:

[Section I] (Section II, P. L.) Be it enacted by the representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That it shall and may be lawful to and for the constable of the township, ward or borough where any person who shall be suspected to be a deserter shall be found who is hereby authorized and required to apprehend, or cause him to be apprehended and brought before any justice of the peace of this state living in or near such place who is hereby authorized and required to examine such suspected person, and if by his confession or the testimony of one or more witness or witnesses upon oath or affirmation or by the knowledge of such justice of the peace it shall appear that such suspected person is an enlisted soldier and ought to be with the troop or company to which he belongs, such justice of the peace shall forthwith cause him to be conveyed to the gaol of the county where he shall be found and the sheriff of the county shall forthwith transmit an account thereof to the colonel or commanding officer of the battalion to which the said deserter shall belong or of the nearest battalion, to the end that such person may be proceeded against according to the martial law of the United States and the keeper of such gaol or house of correction shall receive the full subsistence of such deserter or deserters, but shall not be entitled to any fee or reward on account of the imprisonment of such deserter or deserters, any law, usage or custom to the contrary notwithstanding.

And for the better encouragement of every constable to secure or apprehend such deserters as aforesaid:

[Section II] (Section III, P. L.) Be it further enacted by the authority aforesaid, That the officer to whom said deserter shall be delivered shall pay into the hands of the gaoler or sheriff where such deserter shall be apprehended and detained the sum of three dollars over and besides the reward ordered to be paid by Congress for each deserter he shall so deliver for the use of the constable or constables who hath or have apprehended the said deserter or deserters.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person shall harbor or enter-

tain for the space of six hours by day or twelve hours by night any deserter or deserters knowing him or them to be such without apprehending him [or them] or giving notice thereof to the next justice of the peace or to some constable, every such person so offending shall forfeit and pay for every such offense the sum of five pounds, or if any person shall knowingly detain, buy or exchange or otherwise receive any arms, caps, clothes or other furniture or accoutrements belonging to the United States of America or either of them from any soldier or deserter upon any account or pretense whatsoever or cause the color of such clothes to be changed, the person or persons so offending on being thereof legally convicted shall forfeit and pay over and above the value thereof the sum of five pounds, one moiety thereof and of the last mentioned fine to the overseers of the poor of the township for the use of the poor thereof, and the other moiety to the informer; and in case any such offender who shall be convicted as aforesaid of harboring or assisting any such deserter or deserters, or having knowingly received any arms clothes, caps or other furniture belonging to the said United States or either of them, or having caused the color of such clothes to be changed contrary to the intent of this act, and shall not have sufficient goods or chattels whereon distress may be made to the value of the penalties and forfeitures incurred by him, her or them for such offense, or give sufficient sureties for the payment of such penalties within sixty days after such conviction, then and in such case any two justices of the peace shall and may by warrant under their hands and seals either commit such offender to the common gaol, there to remain without bail or mainprise for the space of six weeks, or cause such offenders to be publicly whipped on his or her back, with any number of lashes not exceeding twenty-one.

(Section V, P. L.) Provided always, That no commissioned officer or any other person shall break open any house to search for deserters without a warrant from a justice of the peace; and every commissioned officer or any other person who shall without warrant from one or more justice or justices of the peace of this state (which said warrant the said justice or justices are

hereby empowered to grant) forcibly enter into or break open the dwelling house or outhouse of any person under pretense of searching for deserters, shall upon due proof thereof forfeit and pay the sum of thirty pounds to the owners of such house and make good all damages he, she or they may sustain by such breaking.

[Section IV] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the constables of each ward in the city of Philadelphia, the district of Southwark and of every township in this state respectively are hereby enjoined and required under the penalty of twenty shillings for every neglect to go as often as the case may require to every suspected place or house in his township or the adjacent townships that he shall suspect or be informed of, and apprehend every suspected person and take him or them before the next justice, and if on examination it shall appear probable that he or they is or are a deserter or deserters, such justice shall commit him or them to the county gaol until it shall be known whether he or they be a deserter or deserters or not. And if any able-bodied man shall travel or come into any part of this state without a pass from some justice of the county or some other justice of the peace from whence he may have come or if a soldier from his commanding officer, every such person so traveling or coming into the state as aforesaid shall be deemed and taken to be a deserter, and within the meaning of this act except the contrary be made appear, and every constable is hereby authorized (if need be) to call to his aid sufficient assistance (men of the neighborhood) to apprehend any deserter or deserters, and if any person or persons so called or commanded to assist the constable shall disobey or refuse such assistance, on complaint thereof made to the next justice every person so refusing shall if convicted forfeit and pay to the said justice the sum of twenty shillings, one moiety to the use of the poor of the township where such refusal shall be and the other for the use of such constable, to be recovered as debts under forty shillings; and in order to encourage the apprehending deserters, every person not a constable who shall apprehend any deserter and deliver him to some constable shall be entitled to receive for every such deserter, the sum of twenty

shillings, to be paid out of the state treasury, or if he conveys such deserter to the county gaol he shall be entitled to the same reward as constables by this act are entitled to receive.

Passed February 20, 1777. See the Acts of Assembly passed March 12, 1778, Chapter 786; March 8, 1780, Chapter 888; June 1, 1780, Chapter 912; March 17, 1783, Chapter 1014; April 5, 1785, Chapter 1161.

CHAPTER DCCXLV.

AN ACT TO MAKE EFFECTUAL BONDS HERETOFORE GIVEN TO THE GOVERNORS OF PENNSYLVANIA BY THE SEVERAL OFFICERS OF GOVERNMENT FOR THE FAITHFUL DISCHARGE OF THEIR RESPECTIVE OFFICES.

[Section I, P. L.) Whereas under the late government of the [province of] Pennsylvania divers officers were by the laws of the said province directed and required to give bond to the governor for the time being with sufficient sureties for the just and faithful performance and discharge of the duties and trust of their respective offices, which said bonds were intended for the use and indemnity of such of the inhabitants as might be injured by such officers refusing or neglecting to do and perform the respective duties of their offices in the manner they ought to do:

In order, therefore, that all such bonds may have the effect and use for which they were given:

[Section I] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all and singular the bonds or obligations that have been executed and given by the officers of government in the said province to any governor thereof conditioned for the faithful discharge of their respective offices, and such bonds or writings obligatory are hereby declared to be valid, good and effectual in law for the uses and purposes for which they were executed and given, and actions or suits may be commenced, sued and prosecuted on any or every of such bonds or writings obligatory as fully and effectually as might,

could or ought to have been in cases of the like nature under the late government aforementioned; and the action or actions that may be so brought or commenced shall be in the name of the president of the commonwealth of Pennsylvania.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That in all cases where by the laws aforesaid the governor is mentioned in the said laws as the person empowered to put the same in execution, it is hereby declared that the president of this state for the time being shall be deemed and taken to be in the place and stead of the governor and within the meaning and intention of the law, and in all such cases as aforesaid the president is hereby declared to have and ought to have and exercise equal powers and authority to order and direct the execution and performance thereof as any governor had, or ought to have had, and his orders and directions shall be and are hereby declared to [have] equal force, power, authority and effect which those heretofore issued and given by the governors of Pennsylvania have heretofore had or ought to have had and exercised respectively.

Passed March 11, 1777.

CHAPTER DCCXLVI.

AN ACT TO EMPOWER THE JUSTICES OF THE PEACE FOR THE CITY OF PHILADELPHIA TO DO AND PERFORM CERTAIN MATTERS AND THINGS FORMERLY DIRECTED TO BE DONE AND PERFORMED BY THE MAYOR, RECORDER AND ALDERMEN OF THE SAID CITY.

(Section I, P. L.) Whereas by an act of general assembly of the province of Pennsylvania passed on the seventh day of June, in the year of our Lord one thousand seven hundred and twelve, entitled "An act for raising money on the inhabitants of the city of Philadelphia for the public use and benefit thereof;"¹ and by one other act, entitled "An act for regulating party walls, buildings and partition fences in the city of Philadelphia;"²

¹ Passed June 7, 1712, Chapter 185.

² Passed February 24, 1721, Chapter 242.

and by one other act passed the twenty-first day of October in the year of our Lord one thousand seven hundred and sixty-one, entitled "An act for the better employment, relief and support of the poor within the city of Philadelphia, the district of Southwark and the township of Moyamensing, Passyunk and the Northern Liberties;"¹ and by one other act passed the eighteenth day of February in the year of our Lord one thousand seven hundred and sixty-nine, entitled "An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys, and for regulating, making and amending the watercourses and common sewers within the inhabited and settled parts of the city of Philadelphia for raising money for defraying the expenses thereof and for other purposes therein mentioned;"² and by one other act passed the ninth day of March in the year of our Lord one thousand seven hundred and seventy-one, entitled "An act for the relief of the poor;"³ and by one other act passed the same day, entitled "An act for regulating and continuing the nightly watch and enlightening the streets, lanes and alleys in the city of Philadelphia and for other purposes therein mentioned,"⁴ the aid and assistance of the mayor, recorder and aldermen of the city of Philadelphia or some or one of them were necessary to enable the proper officers elected or appointed in pursuance of the above-recited acts of assembly or any of them to put such act or acts in force:

(Section II, P. L.) And whereas by the change of the government of the said province the powers of the mayor, recorder and aldermen have ceased and become void, whereby the aforesaid acts of assembly cannot be put in force according to the true intent and meaning thereof, to the great inconvenience and injury of the good people of the said city, district and townships:

For remedy whereof:

[Section I] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That in all cases where by any or

¹ Passed February 8, 1766, Chapter 534, (The date in text an error.)

² Passed February 18, 1769, Chapter 594.

³ Passed March 9, 1771, Chapter 635.

⁴ Passed March 9, 1771, Chapter 636.

either of the aforementioned acts of general assembly the mayor or recorder and one or more of the aldermen of the city of Philadelphia are or is made necessary for the execution of or in anywise putting in force such act respectively, or to enable any officer or officers mentioned therein to do and perform the duties and services of him or them required, the justices of the peace of the said city of Philadelphia or any three of them shall be and are hereby declared to be able and capable in law to do and perform all and singular the duties and services that are in and by the said several and respective acts of assembly required of and from the mayor or recorder or aldermen of the said city, and in all cases where the said justices or any three of them shall act, do and perform any duty, service or business that is in any of the said acts required to be done and performed by the mayor, recorder and alderman the same shall be and is hereby declared of the same force and effect and as sufficient and binding in all cases on all persons that shall be within the meaning and intention of this act as the same could or ought to have been heretofore when such service and duty were done and performed by the mayor, recorder and aldermen agreeable to the intent and meaning of the several and respective acts aforesaid.

Passed March 14, 1777. See the Acts of Assembly passed March 21, 1777, Chapter 754; March 11, 1784, Chapter 1093; March 11, 1789, Chapter 1394; April 13, 1791, Chapter 1575.

CHAPTER DCCXLVII.

AN ACT TO REVIVE AND PUT IN FORCE AN ACT, ENTITLED "AN ACT TO REGULATE THE FISHERY IN THE RIVER SCHUYLKILL."

(Section 1, P. L.) Whereas by an act of general assembly of the province of Pennsylvania passed the ninth day of March in the year of our Lord one thousand seven hundred and seventy-one, entitled "An act to regulate the fishery in the river Schuylkill,"¹ the shad fisheries were put under certain regulations that have been found to be very advantageous to the inhabitants re-

¹ Passed March 9, 1771, Chapter 621.

siding near the said river. And as the said act is expired by its own limitation and as the season for such fishery is approaching such act ought to be in force:

Therefore:

[Section I] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the act of general assembly of the province of Pennsylvania, entitled "An act to regulate the fishery in the river Schuylkill,"¹ and every part, parcel, article, matter and clause therein contained are hereby declared to be in force and binding on all the inhabitants of this state, and all justices, constables and other officers who may be in any wise concerned in the execution of the said act, are hereby strictly enjoined and required to yield obedience thereto according to the duties of their several offices and to do and perform all and singular the services and duties by the said act of them required to be done and performed, as they will answer the contrary at their peril.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the aforesaid act of general assembly and the regulations and restrictions therein mentioned, contained and comprised shall be deemed, taken and construed to extend down the river Delaware as far as the island called the Province Island extends, anything in the said recited act to the contrary notwithstanding.

Passed March 14, 1777. See the note to the Act of Assembly passed March 9, 1771, Chapter 621.

¹ Passed March 9, 1771, Chapter 621.

CHAPTER DCCXLVIII.

AN ACT FOR ESTABLISHING IN THE CITY OF PHILADELPHIA AND IN EACH COUNTY OF THIS STATE AN OFFICE FOR THE PROBATE AND REGISTERING OF WILLS AND GRANTING LETTERS OF ADMINISTRATION, AND AN OFFICE FOR THE RECORDING OF DEEDS.

(Section I, P. L.) A change of government in the state of Pennsylvania having taken place, the powers of the several officers under the late government have thereby ceased and become void. It therefore becomes necessary for the security and well being of this commonwealth that an office of record for the probate of wills and granting letters of administration, commonly called "the register's office," and an office of record for recording of deeds should be at all times kept in each city and county as the present constitution directs:

[Section I] (Section II, P. L.) Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That Samuel Morris, Esquire, be and he is hereby constituted and appointed register for the probate of wills and granting letters of administration for the city and county of Philadelphia; and that John Morris, the younger, Esquire, be and he is hereby constituted and appointed recorder of deeds for the said city and county of Philadelphia; and that the following persons be and they are hereby constituted and appointed registers for the probate of wills and granting letters of administration and recorders of deeds for the several counties following respectively: That is to say, Joseph Hart, Esquire, for the county of Bucks; Thomas Taylor, Esquire, for the county of Chester; Peter Hoofnagle, Esquire, for the county of Lancaster; Archibald McLean, Esquire, for the county of York; John Creigh, Esquire, for the county of Cumberland; Henry Christ, Esquire, for the county of Berks; John Orndt, Esquire, for the county of Northampton; Robert Galbraith, Esquire, for the county of Bedford; John Simpson, Esquire, for the county of Northumberland;

and James Kinkead, Esquire, for the county of Westmoreland; every of which said officers is to be commissioned as the constitution of this state directs.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the persons herein and hereby appointed to the offices aforesaid before they enter on the duties of their respective offices shall severally take the oath or affirmation agreeable to the said constitution and give bond to the speaker of the house of assembly for the time being with one or more sureties in the following sums respectively; That is to say, the register for the city and county of Philadelphia in the sum of one thousand pounds, the recorder of deeds for the said city and county of Philadelphia in the sum of fifteen hundred pounds, the register and recorder of deeds for the county of Bucks in the sum of one thousand pounds, the register and recorder of deeds for the county of Chester in the sum of fifteen hundred pounds, the register and recorder of deeds for the county of Lancaster in the sum of fifteen hundred pounds, the register and recorder of deeds for the county of York in the sum of twelve hundred pounds, the register and recorder of deeds for the county of Cumberland in the sum of twelve hundred pounds, the register and recorder of deeds for the county of Berks in the sum of one thousand pounds, the register and recorder of deeds for the county of Bedford in the sum of six hundred pounds, the register and recorder of deeds for the county of Northumberland in the sum of six hundred pounds and the register and recorder of deeds for the county of Westmoreland in the sum of six hundred pounds, which said bonds shall severally be conditioned for the true and faithful execution of their several and respective offices and for delivering up the records and other writings belonging to the said respective offices whole, safe and undefaced to their successors in the said offices.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the several and respective officers appointed by this act shall have, use and exercise all the powers and be subject to and governed by the laws of this state in all

things concerning their said offices respectively, and may take and receive the same fees as by the said laws the late registers and recorders of deeds ought or might have received and taken.

[Section IV] (Section V, P. L.) And be it further enacted by the authority aforesaid, That each and every of the registers and recorders of deeds herein appointed and their heirs, executors and administrators and every of them are hereby required and enjoined to deliver up to the person [who shall be] appointed to succeed them in the said offices respectively all the records and other writings and also the seals belonging to the several offices aforesaid whole, safe and undefaced under the penalty of three thousand pounds, to be recovered as other fines are directed to be recovered within this state.

[Section V] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That every register for the probate of wills and granting letters of administration by this act appointed, or that may be hereafter appointed may and shall keep a deputy to officiate in his absence, for whose conduct the register that shall so appoint him shall be accountable. And every such deputy is hereby declared to be able and capable in law to take probate of wills and grant letters of administration as aforesaid and to do whatever else by the laws of this state appertains to the said office. And if any register or recorder of deeds by this act appointed shall resign his office, remove out of the county, die or otherwise become incapable of executing both or either of the said offices as directed by the laws aforesaid, then in either of the said cases the president and council for the time being shall as soon as may be appoint and commissionate another person to be register and recorder in the stead of such register and recorder as shall so resign, remove, die or otherwise become incapable as aforesaid; and every person so appointed and commissioned as aforesaid shall be deemed and taken to be the proper register and recorder for the county for which he shall be so appointed and commissioned until further order be taken in the premises by the general assembly of this state.

[Section VI] (Section VII, P. L.) Provided always and be it further enacted by the authority aforesaid, That the officers by this act appointed and called registers in each county respect-

ively shall not be accountable to any other register as their superior, and that so much of the laws of this state as relates to the register-general's office which by this act is altered and supplied is hereby declared to be repealed and made null and void. And inasmuch as the detention of the books, records and other papers and seals in the office of register and in the office of recorder of deeds may be very injurious to many of the inhabitants:

[Section VII] (Section VIII, P. L.) Be it therefore enacted by the authority aforesaid, That if any or either of the officers that have last held and kept the said office or offices shall refuse to deliver up the said books, records and other papers and seals of office, safe and in good order to the persons by this act for each county respectively appointed, and complaint shall be thereof made to any one justice of the county where such refusal shall be made, such justice shall issue his warrant in the nature of a *capias*, causing such officer to be brought before him; and if the complaint shall be supported with good evidence, the said justice shall commit the said register or recorder to the common gaol of the county there to remain without bail or mainprise until the said books, records and other papers and the said seals of office shall be delivered up as aforesaid.

[Section VIII] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any of the officers named in this act shall neglect or refuse to take the oaths or affirmations prescribed by the constitution of this state and otherwise qualify himself as is by this act directed for the space of ten days after he shall be informed of his appointment if on the east side of the river Susquehanna and within thirty days if on the west side of said river, the president in council shall appoint and commissionate some fit person to be the officer in his stead.

Passed March 14, 1777. See the Acts of Assembly passed August 31, 1778, Chapter 804; March 14, 1805, P. L. 113; April 1, 1823, P. L. 286; March 31, 1825, P. L. 138; April 11, 1825, P. L. 173; February 27, 1827, P. L. 53; March 2, 1827, P. L. 67; April 14, 1828, P. L. 460; April 6, 1830, P. L. 272; March 25, 1831, P. L. 211; March 15, 1832, P. L. 135; Resolution of Assembly passed March 4, 1835, P. L. 429; April 14, 1835, P. L. 275; June 16, 1836, P. L. 682; April 4, 1837, P. L. 298; July 2, 1839, P. L. 559; June 17, 1839, P. L. 676; June 27, 1839, P. L. 692; April 13, 1840, P. L. 319; April 16, 1840, P. L. 410; October 13,

1840, P. L. (1841) 1; March 19, 1841, P. L. 99; March 12, 1842, P. L. 66; March 17, 1842, P. L. 95; June 13, 1842, P. L. 274; April 13, 1843, P. L. 230; February 1, 1844, P. L. 35; February 24, 1844, P. L. 51; April 27, 1844, P. L. 469; April 29, 1844, P. L. 527; April 16, 1845, P. L. 538; March 9, 1846, P. L. 107; April 7, 1846, P. L. 246; February 23, 1847, P. L. 130; March 13, 1847, P. L. 296; April 5, 1848, P. L. 335; April 7, 1848, P. L. 365; April 8, 1848, P. L. 418; April 10, 1849, P. L. 570; March 25, 1850, P. L. 277; April 2, 1850, P. L. 336; April 22, 1850, P. L. 549; May 15, 1850, P. L. 764; February 10, 1851, P. L. 50; April 3, 1851, P. L. 305; April 8, 1852, P. L. 296; April 23, 1852, P. L. 413; February 23, 1853, P. L. 698; March 17, 1853, P. L. 206; March 6, 1854, P. L. 158; May 6, 1854, P. L. 605; March 29, 1856, P. L. 181, 185; April 19, 1856, P. L. 458; April 22, 1856, P. L. 532; February 13, 1857, P. L. 35; April 8, 1857, P. L. 172; February 10, 1859, P. L. 31; April 6, 1859, P. L. 383; April 13, 1859, P. L. 561; February 9, 1860, P. L. 47; May 1, 1861, P. L. 531; April 11, 1862, P. L. 424; February 14, 1863, P. L. 40; April 15, 1863, P. L. 459; April 8, 1864, P. L. 348; February 2, 1865, P. L. 79; March 1, 1865, P. L. 259; March 24, 1865, P. L. 773; March 30, 1865, P. L. 39; March 30, 1866, P. L. 90; March 12, 1866, P. L. 171; (the two Acts of Assembly passed) April 11, 1866, P. L. 584, 763; February 14, 1867, P. L. 207; February 19, 1867, P. L. 221; April 15, 1867, P. L. 86; March 12, 1867, P. L. 408; March 29, 1867, P. L. 600; April 2, 1868, P. L. 3; April 1, 1868, P. L. 52; April 8, 1868, P. L. 73; March 17, 1868, P. L. 339, 340; April 13, 1868, P. L. 882; February 27, 1869, P. L. 299; April 2, 1869, P. L. 637; April 3, 1869, P. L. 690; April 15, 1869, P. L. 1093, 1095; March 17, 1870, P. L. 484; March 25, 1870, P. L. 558; February 14, 1871, P. L. 52; March 17, 1871, P. L. 408; April 6, 1871, P. L. 476; May 19, 1871, P. L. 998; May 26, 1871, P. L. 1190; June 8, 1871, P. L. 1375; February 6, 1872, P. L. 85; February 27, 1872, P. L. 173; March 6, 1872, P. L. 208; April 13, 1872, P. L. 1140; February 20, 1873, P. L. 137; February 24, 1873, P. L. 157; February 27, 1873, P. L. 170; March 7, 1873, P. L. 221; March 20, 1873, P. L. 343; March 28, 1873, P. L. 449; April 2, 1873, P. L. 484, (the two Acts of Assembly passed) April 10, 1873, P. L. 632, 641; (Art. V, Section 22 the Constitution of 1874, Art. XIV, Sections 1, 2, 3, 4, 5 and 6), February 12, 1874, P. L. 43; May 6, 1874, P. L. 125; May 14, 1874, P. L. 175; May 15, 1874, P. L. 194; May 19, 1874, P. L. 206; March 18, 1875, P. L. 32; April 6, 1876, P. L. 18; March 24, 1877, P. L. 37; May 3, 1878, P. L. 43; June 12, 1878, P. L. 187; March 6, 1879, P. L. 4; June 8, 1881, P. L. 69; June 20, 1883, P. L. 136; June 3, 1885, P. L. 55; (the two Acts of Assembly passed) June 24, 1885, P. L. 155, 160; June 30, 1885, P. L. 193; April 13, 1887, P. L. 22; May 6, 1887, P. L. 79; May 24, 1887, P. L. 187; June 6, 1887, P. L. 359; April 25, 1889, P. L. 52; May 2, 1889, P. L. 66; June 1, 1889, P. L. 420; May 14, 1891, P. L. 59; May 26, 1891, P. L. 129; June 24, 1895, P. L. 230; June 26, 1895, P. L. 325; March 17, 1897, P. L. 4; April 29, 1897, P. L. 35; May 12, 1897, P. L. 56; April 11, 1899, P. L. 41; April 19, 1899, P. L. 61; May 2, 1899, P. L. 162; May 9, 1899, P. L. 261; May 11, 1901, P. L. 175; May 16, 1901, P. L. 224; May 21, 1901, P. L. 271; June 12, 1901, P. L. 559.

CHAPTER DCCXLIX.

A SUPPLEMENT TO "AN ACT DIRECTING THE MODE AND TIMES OF ELECTING JUSTICES OF THE PEACE FOR THE CITY OF PHILADELPHIA AND THE SEVERAL COUNTIES IN THIS COMMONWEALTH AND FOR OTHER PURPOSES THEREIN MENTIONED."

(Section I, P. L.) Whereas by an act of this general assembly passed the twenty-eighth day of January last past, entitled "An act directing the mode and time of electing justices of the peace for the city of Philadelphia and the several counties in this commonwealth and for other purposes therein mentioned,"¹ the time for electing of justices of the peace as directed by the said act has in some instances been found too short, and in others, by reason of the march of the militia, it has been found inconvenient by which means some parts of this state may be deprived of the benefit of the administration of justice wherefrom great evils may arise to many of the good people:

For remedy whereof:

[Section I] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That it shall and may be lawful for the commissioners and assessors or any five of them of the county of Philadelphia who have been elected under the present constitution of this commonwealth and they are hereby directed and required to meet together at the house of Jacob Neaff in the said county on the twenty-fourth day of this instant March and divide the county of Philadelphia into twelve districts, and thereof immediately to advertise the inhabitants of each district and to do every matter and thing of the said commissioners and assessors required in the same manner and under the same penalties as set forth in the act to which this is a supplement; and the freeholders of the several districts in the said county are on the day which the said commissioners and assessors shall

¹ Passed February 5, 1777, Chapter 739 (Date in text error.)

appoint for the purpose of electing to proceed to the election of the justices of the peace in their respective districts in the same manner as is by the said act directed for electing justices, who when chosen shall be held and deemed as legally elected as if the same had been done on the day appointed by the said act, anything therein contained to the contrary notwithstanding.

(Section III, P. L.) And whereas many of the militia of Northampton and other counties are now and some others may be in actual service whereby several of the districts in the said county have been or may be deprived of their right in the choice of their justices of the peace according to the intention of the said act:

[Section II] (Section IV, P. L.) Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the commissioners and assessors or any five of them of the said county of Northampton or such other counties as aforesaid to advertise the freeholders of such district or districts to meet together on the third Tuesday in April next at some convenient place within the said district respectively in order to choose their justices of the peace, that they may be commissioned accordingly, and if the freeholders of any township or townships in this state which by the said act is made a district shall neglect to elect justices on the day therein mentioned, the freeholders of every such district are hereby authorized to appoint such time and place as may suit their convenience within three months hereafter and elect justices as by the said act is directed.

(Section V, P. L.) And whereas the freeholders of several of the wards in the city of Philadelphia have neglected to elect justices of the peace as by the said act was directed, and it may happen that some other parts of the state may also neglect to elect justices at the time in the said act and by this act directed:

[Section III] (Section VI, P. L.) Be it enacted by the authority aforesaid, That where any such neglect has been or may be at the time by the above recited act or by this act directed for the election of justices for any district in any or either of the said counties, the commissioners and assessors of such county or counties or any five of them (in such county or counties where they are directed so to do by the said act) are hereby enjoined

and required to appoint a time and place for election of justices of the peace for such district and give notice thereof to the freeholders, who shall hold the said election and in all things relating thereto, act and do agreeable to the directions of the act to which this act is a supplement and when they shall have elected justices they shall be deemed and taken to be justices of the peace as in and by the said act declared.

(Section VII, P. L.) And whereas it has been represented to this assembly that the inhabitants of the borough of Chester express a dissatisfaction that they have but one justice of the peace allotted to them, inasmuch as other boroughs have more:

(Section VIII, P. L.) And whereas it may happen that some district or districts may yet neglect to elect justices notwithstanding this act:

[Section IV] (Section IX, P. L.) Be it therefore enacted by the authority aforesaid, That in any or either of the said cases on application being made in writing by twenty or more of the freeholders of the borough of Chester or of any such other district to the president of this state, it shall be lawful for the president in council to appoint and commissionate one or more justice or justices of the peace as the case may require for the said borough or district respectively, anything in this or the act to which this is a supplement to the contrary notwithstanding.

Passed March 15, 1777. See the note to the Act of Assembly passed February 5, 1777, Chapter 739. The act in the text was repealed by the Act of Assembly passed March 31, 1784, Chapter 1093.

CHAPTER DCCL.

AN ACT TO REGULATE THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA.

(Section I, P. L.) Whereas a militia law upon just and equitable principles hath ever been regarded as the best security of liberty and the most effectual means of drawing forth and exerting the natural strength of a state:

(Section II, P. L.) And whereas it is the indispensable duty of the freemen of this commonwealth to be at all times prepared to resist the hostile attempts of its enemies, and more especially now when America is invaded by a powerful army of British and foreign mercenaries and the freedom handed down by our virtuous ancestors may be in danger of being wrested from us unless the strongest and most immediate efforts are made for its support:

[Section I] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the president or in his absence [the] vice-president of the supreme executive council of this commonwealth shall commissionate one reputable freeholder in the city of Philadelphia and one in each county within this state to serve as lieutenant of the militia for the said city and counties respectively, who besides the powers which are given him by this act shall have the title and rank which the president and council shall confer, and also any number of persons not exceeding five for the said city and each county, qualified as aforesaid, to serve as sub-lieutenants in the said city and counties respectively, which said lieutenant and sub-lieutenants shall be respectively nominated by this house, and which lieutenant or in his absence or incapacity two or more sub-lieutenants shall have full power and authority to do and perform all and singular the duties required of them by this act except in cases where a greater number is hereby directed to join together to perform any service.

[Section II] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said lieutenant or sub-lieutenants as aforesaid shall issue his or their warrant to the constable of each township, borough, ward or district in the said city and counties respectively or to some other suitable person, commanding him in the name of this commonwealth to deliver to him or them the said lieutenant or sub-lieutenants within ten days from and after the date of the said warrants (unless the lieutenant or sub-lieutenants shall judge a longer time to be necessary, which he is hereby empowered to grant) on oath or

affirmation, which they are also hereby empowered to administer, a true and exact list of the names and surnames of each and every male white person usually inhabiting or residing within his township, borough, ward or district between the ages of eighteen and fifty-three years capable of bearing arms. Delegates in Congress, members of the executive council, judges of the supreme court, masters and faculty of colleges, ministers of the gospel (or clergy) of every denomination and servants purchased bona fide and for a valuable consideration only excepted.

[Section III] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the lieutenant or sub-lieutenants as aforesaid within five days after they shall become possessed of the lists aforesaid shall divide the city and counties respectively into districts, each district to contain not less than four hundred and forty nor more than six hundred and eighty privates, at the discretion of the lieutenant, and subdivide the said districts into eight parts as nearly equal as may be, paying due regard in each division to the convenience of the inhabitants.

(Section VI, P. L.) Provided always, That nothing in this act contained shall be construed to include any of the artillery companies or troops of light horse, already formed within this state nor shall prevent or restrain the said lieutenants respectively from forming a suitable number of other companies of artillery and troops of light horse in convenient places throughout the same. And the said lieutenants shall give public notice by advertisements at ten or more of the most public places in the said districts respectively of the said divisions being made and appointing a certain day for each district not less than five days after the said notice and requiring the male white inhabitants between the ages aforesaid residing in the said divisions respectively to meet at a certain place as near the center of the said division as may be, and then and there between the hours of ten in the morning and six in the afternoon of the said day to elect by ballot three field officers: That is to say, one colonel, one lieutenant colonel and one major, each of whom shall be a freeholder, and the inhabitants of the said sub-divisions respectively shall elect by ballot as aforesaid on the same or some other convenient day as soon as possible afterward to be

appointed by the lieutenant one captain, two lieutenants, one ensign and two persons to be styled court martial men, who shall respectively be such persons as are entitled to vote for members to serve in the general assembly and each of the said captains shall appoint a suitable person for a clerk in his company. And the said lieutenant or in his absence two or more of the said sub-lieutenants, shall attend and superintend each and every of the said battalion elections and shall cause the colonels so elected in the city and counties respectively, to meet together as soon as may be and cast lots for rank of their battalions; and the rank of the officers in each battalion shall be determined by the lot drawn by their respective colonels; and the captains so elected in the sub-divisions shall meet and cast lots for their rank in the battalion to which they belong and the rank of the subaltern officers of each company shall be determined by the lot drawn by their respective captains, and the said lieutenants shall within ten days or as soon as may be, having regard to their local situations, transmit proper certificates to the president of the supreme executive council, of the names of the persons so as aforesaid elected and their rank, both of battalion and companies in the several battalions, in order that commissions may forthwith be granted to them agreeable to the said certificates. And no militia officer shall be required to take and subscribe any oath or affirmation at this time to qualify him to receive a commission to act in the character to which he shall be elected.

[Section IV] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any battalion or battalions, company or companies, shall neglect or refuse to elect their officers as aforesaid then and in such case it shall and may be lawful for the lieutenant with the advice and consent of two or more of the sub-lieutenants of such county where such neglect or refusal shall be, to appoint such officers so neglected to be chosen and certify the same to the president of the council as aforesaid, which shall be as effectual to all intents and purposes as if the said officers had been elected as first before directed; and the said lieutenant shall as soon as may be acquaint the par-

ties so neglecting or refusing with the appointments so as aforesaid made, and the said several and respective officers elected or appointed as aforesaid shall respectively serve as officers of [sic] [the] militia for the space of three years, at the end of which time the lieutenant of the city and counties respectively in the manner herein before directed shall cause a new election to be held in the said city and counties respectively. But nothing herein contained shall be construed to render any of the former officer or officers incapable of being re-elected.

[Section V] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the rank or precedence of the officers of the city of Philadelphia and of the several counties in this commonwealth shall be determined as follows: That is to say, officers of the city of Philadelphia, the district of Southwark, the townships of the Northern Liberties, Moyamensing and Passyunk, to take rank of precedence of all other officers of equal dignity in this state, and next to them the officers of the county of Philadelphia, and so on according to the seniority of the counties respectively.

[Section VI] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the several lieutenants aforesaid shall within three days after the respective elections aforesaid cause the several companies of militia in their respective precincts to be divided by lot into eight parts, to be called classes, as nearly equal as may be and numbered from one to eight in numerical order, and the said captains shall cause the names and surnames of the persons in the respective companies with the class to which each belongeth to be returned to the said lieutenants respectively at such time as they shall appoint within six days after such divisions are made.

[Section VII] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the whole of the militia so enrolled as aforesaid shall be subject to be exercised in companies under their respective officers as follows: That is to say, on the two last Mondays in the month of April and the three first Mondays in the month of May and in battalion on the fourth Monday in May, and in companies on the two last Mondays in the month of August and the two last Mondays in the month of

September and the third Monday in the month of October, and in battalion on the fourth Monday in October and on each of which days every militia-man so enrolled shall duly attend with his arms and accoutrements in good order, and a sergeant or clerk of each company is required at the end of one hour after the time appointed for the meeting of the company or battalion to call over the muster-roll of the company, noting those who are absent and on that day shall make return in writing to the captain or commanding officer then present of such absentees, and all persons so absent at the time of calling over the roll or shall depart from the parade before duly discharged shall be liable to the fines hereafter mentioned.

[Section VIII] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if any commissioned officer shall neglect or refuse to attend on any of the days appointed for exercise in companies as aforesaid (unless prevented by sickness or some other unavoidable accident) such commissioned officer shall forfeit and pay the sum of ten shillings per day, and any non-commissioned officer or private and all enrolled persons so refusing or neglecting (except as before excepted) shall forfeit and pay the sum of five shillings per day, and if on a field day or meeting in battalion, then if a field officer he shall forfeit and pay the sum of five pounds per day, and a commissioned officer under that rank the sum of fifteen shillings per day; and if a non-commissioned officer or private and enrolled person refusing to meet and exercise the sum of seven shillings and six pence per day (excepting as before excepted), the names and surnames of all which persons so incurring the said fines and penalties (except such as may have paid the same into the hands of the captain or commanding officer of the company) shall be duly returned by the captain or commanding officer of each company under his hand, together with such fines as he has received to the colonels of the battalions respectively on each field day, which said colonels or commanding officers of battalions shall on receipt of such fines and returns forthwith transmit the same to the lieutenant of the county: and the said lieutenant shall immediately after the said returns are respectively made unto him cause the same to be respectively recovered be-

fore one justice of peace nearest to the place where the delinquents do respectively reside as debts under forty shillings are by law directed to be recovered, and the said lieutenant shall twice in each year transmit the said fines when collected into the hands of the county treasurer, who shall pay the same into the hands of the state treasurer for the use of the state.

[Section IX] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the master or mistress of any apprentice and the father or mother of any minor who shall refuse or neglect to attend as aforesaid, being in the service of his father or mother, master or mistress, shall be accountable for the fine or fines so incurred by such minor or apprentice.

[Section X] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the executive council in case of invasion or rebellion within this state or in case the assistance of the militia of this state shall be requested by Congress to assist the continental army in this or any of the adjoining states, to call into actual service such part of the militia by classes as aforesaid as to them shall seem necessary, the first draft to be composed of the class number one of each company, and in case the first draft shall not be sufficient for the exigency, then the class number two shall be drawn and so on by classes from time to time as occasion may require. And to the end that each particular draft may be suitably officered, the following order is hereby directed and enjoined: That is to say, For the first draft, the captain of the first company, the first lieutenant of the second company, the second lieutenant of the third company and the ensign of the fourth company; for the second draft, the captain of the second company, the first lieutenant of the first company, the second lieutenant of the fourth company and the ensign of the third company; for the third draft, the captain of the third company, the first lieutenant of the fourth company, the second lieutenant of the first company and the ensign of the second company; for the fourth draft, the fourth captain, the first lieutenant of the third company, the second lieutenant of the second company, and the ensign of the first company; for the fifth draft, the fifth captain, the first lieutenant of the sixth company, the

second lieutenant of the seventh company and the ensign of the eighth company; for the sixth draft, the sixth captain, the first lieutenant of the fifth company, the second lieutenant of the eighth company and the ensign of the seventh company; for the seventh draft, the captain of the seventh company, the first lieutenant of the eighth company, the second lieutenant of the fifth company and the ensign of the sixth company; for the eighth draft, the captain of the eighth company, the first lieutenant [of the seventh company, the second lieutenant] of the sixth company and the ensign of the fifth company; non-commissioned officers to take their tour of duty with the commissioned officers. And the field officers of battalions in the city of Philadelphia and in each county of the state shall be divided in like manner, and each class to be considered as detachments from different corps liable to serve two months and to be relieved by the class next in numerical order, the relief to arrive at least two days before the expiration of the term of the class to be relieved; but nothing herein contained shall prevent the supreme executive council from employing or calling out one-half of any battalion where it may be convenient, or one-half of any company without respect to this rule whenever the exigency is too sudden to allow the assembling the scattered militia which compose the particular classes; and the militia in actual service shall receive the same pay and rations as continental troops, their pay to commence two days before their marching, and receive pay and rations at the rate of twenty miles per day till they return home.

[Section XI] (Section XIII, P. L.) Provided always, and be it further enacted by the authority aforesaid, That if after the regulation aforesaid it should so happen that substitutes cannot be found for all the enrolled militia upon the said limited drafts, then and in such case each and every of the persons who cannot yield their personal service as aforesaid nor find substitutes shall pay such sum or sums of money as each of the substitutes included in the said drafts will amount unto upon an average within each respective battalion.

(Section XIV, P. L.) Provided also, That no militia-man hav-

ing personally or by substitute served in the militia shall be obliged to serve again until by rotation it comes to his turn.

[Section XII] (Section XV, P. L.) Provided always, and be it further enacted by the authority aforesaid, That no officer serving in the militia when called out into actual service shall sit in any court-martial upon the trial of any officer or soldier serving in any of the continental forces, nor shall any officer serving in any of the continental forces or other troops in any other of the United States sit in any court-martial upon the trial of any officer or private man serving in the militia of this state.

[Section XIII] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That when any part or parts of the militia shall be called into actual service every person enrolled as aforesaid who is not an officer shall have it in his choice either to serve in person or to find a sufficient person for a substitute, which said substitute shall be approved of by the lieutenant, sub-lieutenant or by one of the field officers of the battalion to which he belongs; and if an officer, he shall find as a substitute an officer of equal rank to be approved of by the lieutenant of the county; but if any person shall neglect or refuse to serve or find such sufficient substitute in his place within three days after notice given to him, the lieutenant or sub-lieutenant of the county nearest to where such delinquent resides shall and he is hereby required to provide, hire or procure on as reasonable terms as may be a substitute for such person so refusing or neglecting, and to charge such sum or sums, together with reasonable expenses for procuring the same, to such delinquent, to be recovered by distress and sale of his goods and chattels, lands and tenements by warrant under the hands and seals of any two justices of the peace of the county where such person resides: and if such delinquent be unmarried then the said money to be recovered against him in the same [manner] as is directed by the laws of this state in cases of debts under five pounds.

(Section XVII, P. L.) Provided always, That if any person or persons shall think him, her or themselves aggrieved in the seizure of his, her or their lands and tenements, he, she, or they

may enter an appeal before the justices to the next court of common pleas for the county, and on the party's giving sufficient security within six days next after any lands and tenements shall be seized or distrained as aforesaid to prosecute such appeal with effect, the justices shall receive the same and stay further process. And the said justices shall return every such appeal on the first day of the next term, and the court shall direct a trial by a jury of the country as in other cases of debt, whose verdict shall be final and conclusive; and (except in extraordinary cases, of which the court shall be judge) all such appeals shall be tried at the term to which such returns shall be made, any law, custom or usage to the contrary notwithstanding.

[Section XIV] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That arms and accoutrements sufficient for two classes in each company shall be provided at the expense of the state as soon as convenient by the lieutenant of the city of Philadelphia and of the several counties of this state, and shall be in the care and under the direction of the said lieutenants respectively and marked with the name of the county and the number of the battalion to which they belong.

[Section XV] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall sell or knowingly buy, take in exchange, conceal or otherwise receive, contrary to the true intent and meaning of this act, any arms or accoutrements belonging to this state on any account or pretense whatsoever, the person so offending, being convicted thereof before one or more justice or justices of the peace of the city or county where such offense shall be committed shall forfeit and pay for every such offense treble the value of such arms or accoutrements, to be ascertained by the said justice or justices and levied by distress and sale of the offender's goods and chattels by the justice or justices before whom such offender shall be convicted returning the overplus if any on demand, to such offender, and for want of such distress shall commit such offender to the common gaol of the county, there to remain

without bail or mainprise for any term not exceeding three months, unless such money is sooner paid.

[Section XVI] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the commissioned officers of each company shall appoint four sergeants, four corporals, one drummer and [one] fifer for their respective companies. And all persons who have heretofore been officers in the militia under the late association if not re-elected, shall deliver up their arms, accoutrements, drums, fifes and colors if paid for by the public to the lieutenant of the county aforesaid or unto the nearest sub-lieutenant; and the lieutenant of the city of Philadelphia and the lieutenants of the several counties respectively are hereby authorized to draw on the state treasury for the purchase of such drums, fifes and colors as may afterwards be wanting to supply the companies in the city and counties respectively.

[Section XVII] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the field officers of each battalion in this state shall constitute and appoint to their respective battalions one quartermaster, one adjutant, one sergeant-major, and one drum and fife major, which sergeant major and drum and fife major shall be persons experienced in the duties of their respective offices.

[Section XVIII] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That no militia-man shall leave the company to which he belongs or join any other under the penalty of three pounds, to be recovered before a justice of the peace of the county, unless in case of removing to some other district within this or any other state, and in such case he shall apply to the commander of such company, who shall give him a certificate of his being discharged, and if the said militia-man had been in actual service shall also certify the time thereof and how long he had continued therein.

[Section XIX] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That the lieutenant or in his absence the nearest two sub-lieutenants in the city and counties respectively shall cause the constable or some other suitable person of the several townships, boroughs, wards or districts

within their respective jurisdictions to make true lists annually of all male white persons between the ages aforesaid, usually residing in their respective townships, boroughs, wards or districts, in order that such as shall then be above the age of fifty-three years, or otherwise disqualified may be discharged, and that such as are arrived to proper age or may have within the said year become residents may be enrolled, and the constable shall be allowed five shillings only for each day he shall be faithfully employed in obtaining and returning a list of the persons of his township to be paid by the county treasurer respectively out of the moneys in his hands belonging to the state.

[Section XX] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That no person serving as a substitute for another shall thereby be excused from serving in his own turn.

[Section XXI] (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That if any militia-man when called into actual service shall absent himself or desert from the company, battalion or troop to which he belongs, the person or persons so offending shall forfeit and pay a sum equal to two month's pay and if an officer shall be cashiered.

[Section XXII] (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That the lieutenant with one or more of the said sub-lieutenants, together with any one justice of the peace or any two or more sub-lieutenants, together with any two justices of the peace, shall meet in the city and several counties from time to time as often as they shall find necessary for the due execution of this act and one of the said meetings in every year shall be on the last Monday in the month of July, and one other of the said meetings shall be on the third Monday in the month of December.

[Section XXIII] (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That the said lieutenant of the city and the said lieutenants for the counties respectively shall have and receive the sum of fifteen shillings per day each for their trouble and the sub-lieutenants of the said city and counties respectively shall have and receive the sum of twelve

shillings per day each for their trouble for every day in which they shall be employed in doing and performing the respective duties required of them by this act, which said sum or sums of money shall be respectively paid unto them out of the state treasury.

[Section XXVIII, P. L.] And if upon any draft of part of the militia for actual service it should happen to fall to the lot of any minor or apprentice to be so drafted and the said minor or apprentice should neglect or refuse to go, and also the parent or master or mistress refuse or neglect to find a substitute in his stead, and a substitute or substitutes having been found agreeable to the directions of this act:

[Section XXIV.] It is hereby enacted and declared, That the father or mother of such minor and the master or mistress of such apprentice shall be liable to the payment of such sum or sums of money as it shall cost to procure such substitute or substitutes; and also in case such substitute or substitutes cannot be obtained, then to pay all such fines or sums of money as are imposed by this act on such minor or apprentice.

[Section XXV] (Section XXIX, P. L.) And be it further enacted by the authority aforesaid, That if any parent, guardian, master or mistress of any person between the ages of eighteen and twenty-one years or of any other person made liable to serve in the militia by this act shall think him or herself aggrieved by any of the rates, fines or sum or sums of money agreed for in the procuring of substitutes (and for the redress of which no express provision is already made by this act he, she or they may appeal to the lieutenants and justices aforesaid on the days and times before mentioned, who are hereby required and enjoined to give attendance from day to day as long as may be necessary at such convenient place or places as they shall appoint, of which days and places of meeting they shall cause due notice to be given to the inhabitants, and then and there the said lieutenants and justices shall hear all such appeals as may be made to them and shall moderate or remit the said rates and fines as to them shall appear just and necessary, in consideration of inability of body or estate only.

[Section XXVI] (Section XXX, P. L.) And be it further

The Statutes at Large of Pennsylvania. [1776-77]

enacted by the authority aforesaid, That on the death, removal or other incapacity of any of the lieutenants of the city and counties respectively, the sub-lieutenants shall continue to act and exercise all the authorities by this act committed to them until the general assembly and the supreme executive council shall have appointed and commissioned another lieutenant or lieutenants in his or their room or stead.

[Section XXVII] (Section XXXI, P. L.) And be it further enacted by the authority aforesaid, That all the lieutenants and sub-lieutenants to be appointed by virtue of this act shall regularly once in every six months lay their accounts of the money received and expended by them before the general assembly or any committee appointed by them for that purpose.

[Section XXVIII] (Section XXXII, P. L.) And be it further enacted by the authority aforesaid, That if any commissioned officer, non-commissioned officer or private militia-man of this state who has or hereafter may lose a limb in any engagement in the service of this state or in the service of the United States of America, or be so disabled as to render him incapable of getting a livelihood, shall receive during life or the continuation of such disability a pension not more than one-half of the monthly pay, from and after the pay as an officer or private militia-man ceases, still subject to be lowered so as to be made adequate to the necessity of such disabled officer or private militia-man by the judgment of the orphans' court of the county where such disabled officer or private militia-man shall dwell or reside; and every officer or private disabled as aforesaid shall before he be legally entitled to the pension above mentioned produce a certificate from the commanding officer who was in the same engagement in which he was wounded or from some other officer of the same corps or the surgeon that attended him; and upon such disabled officer, non-commissioned officer or private militia-man's producing such certificate as aforesaid to the orphans' court of the county where such disabled officer or private militia-man shall dwell or reside, the said court is hereby enjoined and required to give every such officer or private an order on the lieutenant of the said county for such sum or sums of money from time to time as to them shall appear just and necessary,

and the said lieutenant is hereby enjoined and required to accept and pay the said order to such officer or private, and the said lieutenant shall draw on the state treasurer as often as he shall have occasion for such sum or sums of money as he shall make appear [to the president and council to be] necessary for carrying this law into execution.

[Section XXIX] (Section XXXIII, P. L.) And be it further enacted by the authority aforesaid, That if any officer, non-commissioned officer or private militia-man residing in this state, having a family shall be killed or die of his wounds received in the service of this or the United States, a certificate from some officer who was in the same engagement in which he was so killed or wounded and died of his wounds being produced to the orphans' court and also a certificate from the overseers of the poor and two other reputable freeholders of the township, borough, ward or district where the family of such deceased officer, non-commissioned officer or private militia-man shall dwell or reside at that time, setting forth the particular circumstances of such family, the age or ages of the child or children and the necessity of granting them some support, the said orphans' court when possessed of the certificates aforesaid are hereby authorized to give [an] order in favor of such family upon the lieutenant of the county for such sum of money as they may think just and necessary for the support of such family from time to time.

Provided always, That the support granted do not exceed half the pay that such officer, non-commissioned officer or private militia-man was entitled to at the time of such killing or wounding.

[Section XXX.] Be it enacted by the authority aforesaid, That if any lieutenant, sub-lieutenant, officer of the militia or constable shall be found guilty of any fraud or wilful partiality to any person in the carrying this act into execution, or shall refuse or neglect to do and perform all and singular the duties, other than military duties, required of him or them respectively by this act, and shall be duly convicted thereof by a jury of his country before any court of record in this state, such lieutenant, sub-lieutenant, militia officer or constable shall for every such

offense be fined at the discretion of such court in any sum not exceeding fifty pounds.

[Section XXXI.] And be it further enacted by the authority aforesaid, That if any suit, or suits shall be brought or commenced against any person or persons for anything done in pursuance of this act, the action shall be laid in the county where the causes of such action did arise and not elsewhere. And the defendant or defendants in such action or actions to be brought may plead the general issue and give this act and the special matter in evidence; and if the jury shall find for the defendant or defendants in such action or actions, or if the plaintiff or plaintiffs shall be non-suited or discontinue his or their action or actions after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs and the like remedy for the same as any defendant or defendants hath or have in other cases to recover costs by law.

[Section XXXII.] And be it further enacted by the authority aforesaid, That the following rules and regulations shall be the rules and regulations by which the militia shall be governed:

I. If any commissioned officer make use of any profane oath or execration when on duty, he shall forfeit and pay for each and every such offense the sum of five shillings; and if a non-commissioned officer or private man be thus guilty of cursing or swearing, he shall forfeit and pay for each and every such offense the sum of one shilling.

II. Every militia-man who on any of the days of exercise shall refuse to obey the lawful commands of his superior officer may be suspended from doing duty on that day and upon conviction before a court-martial shall be fined, if a commissioned officer in a sum not exceeding three pounds, and if a non-commissioned officer or private in any sum not exceeding twenty shillings.

III. Any officer or private man who shall begin, excite, cause, join in or promote any mutiny or disturbance in the battalion, troop or company to which he belongs, or in any other battalion troop or company, shall be fined or censured according to the nature of the offense by a general or regimental court-martial.

IV. Any officer or private man who shall strike his superior

officer or draw or offer to draw or shall lift up any weapon or offer any violence against him, being in the execution of his office, shall upon a conviction before a general or regimental court-martial [be fined] in a sum not exceeding five pounds.

V. Any commanding or other officer who shall strike any inferior officer or private man when on duty, upon conviction before a general court-martial shall be fined in any sum not less than five pounds and not exceeding ten pounds.

VI. Any officer or private man who shall make use of insolent, provoking or indecent language while on duty shall suffer such censure or fine as shall be inflicted by a general or regimental court-martial according to the nature of the offense.

VII. If any officer or private man shall think himself injured by his colonel or the commanding officer of the battalion, and shall upon due application made to him be refused redress, he may complain to the lieutenant of the county who shall summon a general court-martial that justice may be done.

VIII. If any inferior officer or private man shall think himself injured by his captain or other superior officer in the battalion, troop or company to which he belongs, he may complain to the commanding officer of the battalion, who shall summon a regimental court martial for the doing justice according to the nature of the case.

IX. Any officer or private man found drunk when under arms shall be suspended from doing duty in the battalion, company or troop on that day and be fined at the discretion of a general or regimental court-martial.

X. Whatever sentinel shall be found sleeping or drunk on his post, or shall leave it before he is regularly relieved, shall be fined at the discretion of a court-martial.

XI. Whatever commissioned officer shall be convicted before a general court-martial of behaving in a scandalous or infamous manner, unbecoming the character of an officer and a gentleman, shall be cashiered or fined at the discretion of a court-martial.

XII. All disorders and neglects which officers or privatemens may be guilty of, to the prejudice of the good order and military discipline of the militia of this state, are to be taken cognizance

of by a general or regimental court-martial, according to the nature and degree of the offense, and such officers or private men shall be fined or censured at the discretion of a court-martial.

XIII. Every general court-martial shall consist of thirteen members, six of whom shall be commissioned officers under the rank of a field officer, and six court-martial men, who shall be drawn by lot out of the whole number of the battalion, and these twelve are to choose a president, who shall be a field officer.

XIV. Every regimental court-martial shall be composed of seven members—three officers, three court-martial men and a president, who is to be a captain and to be chosen by the six.

XV. In all courts-martial not less than two-thirds of the members must agree in every sentence for inflicting any punishment or otherwise he [the culprit] shall be acquitted.

XVI. The president of each and every court-martial whether general or regimental, shall require all witnesses, in order to the trial of offenders, to declare on oath or affirmation that the evidence they shall give is the truth, the whole truth and nothing but the truth, and the members of all such courts shall take an oath or affirmation which the president is required to administer to the other members and the next in rank is required to administer to him, that they will [give] judgment with impartiality.

XVII. All members of the militia called as witnesses in any case before a court-martial who shall refuse to attend and give evidence shall be censured or fined at the discretion of the court.

XVIII. No officer or private man being charged with transgressing these rules shall be suffered to do duty in the battalion, company or troop to which he belongs until he has had his trial by a court martial, and every person so charged shall be tried as soon as a court martial can be conveniently assembled.

XIX. The officers and private men of every company of artillery or other company, troop or party that is or shall be annexed to any battalion shall be subject to the command of the colonel or commanding officer of said battalion and the officers shall sit as members of courts-martial in the same manner as the officers of any other company.

XX. No penalty shall be inflicted at the discretion of a court-martial other than degrading, cashiering or fining, the fines to the officers not to exceed ten pounds, and the fines for a non-commissioned officer or private man not to exceed five pounds for one fault.

XXI. No company or battalion shall meet at a tavern on any of the days of exercise, nor shall march to any tavern before they are discharged.

XXII. The militia on days of exercise may be detained under arms on duty in the field any time not exceeding six hours, provided they are not kept above three hours under arms at any one time without allowing them a proper time to refresh themselves.

XXIII. Adjutants, drummers and fifers shall receive the following pay for every day of service they attend their respective battalions or companies by order of the commanding officer.

An adjutant, ten shillings, a drummer three shillings, a fifer three shillings. The drum-major and fife-major of every battalion shall receive each a sum not exceeding twenty shillings per week, and be continued in pay as long as the colonels of the several battalions shall think necessary; and it is required that such drum-majors and fife-majors when not in service on days of exercise shall be diligently employed in instructing a proper number of persons for drummers and fifers of the several battalions.

XXIV. The lieutenant of the county for the time being shall have full power of pardoning or mitigating any censures or penalties ordered to be inflicted for the breach of any of these articles by any general court-martial, and every offender convicted as aforesaid by any regimental court-martial may be pardoned or have his penalties mitigated by the colonel or commanding officer of the battalion, excepting only where such censures or penalties are directed as satisfaction for injuries received by one officer or private man from another.

XXV. Upon the determination of any point by a regimental court-martial, if the officer or private man concerned on either side thinks himself still aggrieved, he may appeal to a general court-martial, but if upon a second hearing the appeal appears

groundless and vexatious, the person so appealing shall be censured at the discretion of the said general court.

XXVI. Upon the death, resignation, promotion or other removal of a field officer or any other officer or court-martial man from a battalion troop, or company, such vacancy is to be filled by the person such battalion, troop or company shall elect.

XXVII. No officer or private man shall be tried a second time for the same offense except in case of appeal.

XXVIII. All fines that shall be collected according to this act by direction of any court-martial and not otherwise appropriated shall be paid into the hands of the clerk of the company to which the offenders belong, who shall account for the same to the captain, to be applied to the purchasing powder and ball to exercise the men at proper times at shooting at marks and for prizes to the best marksmen.

The fines that shall be incurred in consequence of the breach of any of the above regulations shall be paid (if incurred by a field officer) to the clerk of that company whose captain has the first rank in the battalion or (if incurred by any other officer or private) to the clerk of the company to which they respectively belong within three weeks after they become due, but in case of neglect or refusal to pay any of the said fines, then and in such case, upon application made by the clerk to whom such fine or fines ought to have been paid it shall and may be lawful for any one justice of the peace of the county (if the fine does not exceed five pounds) or two justices (if above five pounds) by warrant under his or their hands and seals to levy such fine or fines respectively on the offender's goods and chattels and otherwise proceed in recovering the same as is by law directed in case of debts not exceeding five pounds; and when recovered the said justice or justices are required to pay such fines into the hands of the clerk who applied for the recovery; the fines so recovered from the field officers to be disposed of as the officers of the battalion shall think proper, and those recovered from the other officers and privates to be disposed of as is herein before [directed].

Passed March 17, 1777. See the Acts of Assembly passed June 19, 1777, Chapter 760; December 30, 1777, Chapter 781; April 5, 1779, Chapter 843; (repealed by the Act of Assembly passed) March 20, 1780, Chapter 902.

CHAPTER DCCII.

AN ACT TO INCREASE THE WAGES OF ASSEMBLYMEN.¹

(Section I, P. L.) Whereas in and by a certain act of the general assembly of the province of Pennsylvania passed in the fourth year of the reign of the late Queen Ann, entitled "An act to ascertain the number of members of assembly and to regulate the elections,"² it was declared and enacted that every member chosen or to be chosen to serve in assembly should be allowed the sum of six shillings per day and the speaker ten shillings per day during his and their attendance in the service thereof, and that every member of assembly should be allowed towards his traveling charges after the rate of three pence per mile coming to and going from the place where the assembly should be held:

(Section II, P. L.) And whereas in and by one other act of the general assembly of the province aforesaid passed in the third year of the reign of the present King of Great Britain, entitled "An act to increase the allowance to members of assembly for their attendance on the public service,"³ it was therein set forth that since the passing the said above-entitled act the price of provisions and the expense of traveling, lodging and diet had greatly increased, in so much that the sum of money allowed by the said act to the said members per day was not sufficient to maintain and support them in the necessary accommodations during their attendance in the service of the public, whereupon it was enacted that instead of the said sum of six shillings every member to be chosen after the publication of the said last-recited act to serve in general assembly should be allowed the sum of eight shillings and the speaker, instead of the sum of ten shillings, the sum of twelve shil-

¹ The original roll of this act is missing; and therefore it has been compared with the copy in the Act Books.

² Passed January 12, 1705-6, Chapter 137.

³ Passed January 22, 1774, Chapter 696.

lings per day during his and their attendance in the service thereof, and that every such member should be allowed towards his traveling charges after the rate of five pence for every mile he should travel once in each sitting in coming to and going from the place where the assembly should be held, and that the said sum of money should be paid by the respective counties out of the county stock:

(Section III, P. L.) And whereas on account of the present unnatural war the price of provisions and the expense of traveling and almost every necessary accommodation have lately increased unto at least treble what they respectively were at the time of the passing the said last-recited act:

(Section IV, P. L.) And whereas the present constitution hath made provision that if any man is called into public service to the prejudice of his private affairs he has a right to a reasonable compensation:

Therefore:

[Section I] (Section V, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That as well for and during the time past of the present sessions as also for and during the remainder of the same, instead of the sum of eight shillings, allowed by the former act, each member composing the present assembly shall be allowed the sum of fifteen shillings and the speaker, instead of the sum of twelve shillings allowed by the former act shall be allowed the sum of twenty shillings per day during his and their attendance in the service thereof, and that every such member shall be allowed towards his traveling charges after the rate of five pence for every mile he shall travel once in each sitting, in coming to and going from the place where the assembly shall be held and that the said sum and sums of money shall be paid unto the speaker and members respectively out of the state treasury.

[Section II] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That so much of the herein first before recited act as declares what shall be allowed to the speaker and

other members of assembly and also the whole of the said last-recited act shall be and is hereby repealed.

Passed March 19, 1777. See the note to the Act of Assembly passed January 22, 1774, Chapter 696. The act in the text was repealed by the Act of Assembly passed December 27, 1777, Chapter 774.

CHAPTER DCCLII.

AN ACT FOR EMITTING THE SUM OF TWO HUNDRED THOUSAND POUNDS IN BILLS OF CREDIT FOR THE DEFENSE OF THIS STATE, AND PROVIDING A FUND FOR SINKING THE SAME BY A TAX ON ALL ESTATES, REAL AND PERSONAL AND ON ALL TAXABLES WITHIN THE SAME.

(Section I, P. L.) Whereas it is necessary that a sufficient sum of money should be immediately provided in order to make proper preparation for the defense of this state against the cruel and hostile proceedings of the King of Great Britain:

Therefore:

[Section I] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assmblly met, and by the authority of the same, That bills of credit to the value of two hundred thousand pounds shall be prepared and printed within three months next after the publication of this act on good strong paper, under the care and direction of John Bayard, Robert Knox, Joseph Parker and Michael Shubart, Esquires, the charges whereof shall be paid by the state treasurer out of the moneys so prepared and printed which bills of credit shall be made and prepared in manner and form following, viz.:

This bill shall pass current for according to an act of general assembly of the commonwealth of Pennsylvania passed the twentieth day [of] March in the year one thousand seven hundred and seventy-seven. Dated the tenth day of April, A. D. on thousand seven hundred and seventy-seven.

And the said bills shall have such like escutcheons as in the

margin hereof,¹ with such other devices as the said John Bayard, Robert Knox, Joseph Parker and Michael Shubart shall think proper as well to prevent counterfeits as to distinguish their several and respective denominations, each of which bills shall be of the several and respective denominations following and no other: That is to say,

One hundred and fifty thousand bills of the value of three pence, one hundred and fifty thousand bills of the value of four pence, one hundred and fifty thousand bills of the value of six pence, one hundred and fifty thousand bills of the value of nine pence, thirty thousand bills of the value of one shilling, thirty thousand bills of the value of one shilling and six pence, thirty thousand bills of the value of two shillings, thirty thousand bills of the value of three shillings, thirty thousand bills of the value of four shillings, thirty thousand bills of the value of six shillings, thirty thousand bills of the value of eight shillings, thirty thousand bills of the value of twelve shillings, thirty thousand bills of the value of sixteen shillings, thirty thousand bills of the value of twenty shillings, twelve thousand six hundred and seventy bills of the value of forty shillings, and twelve thousand six hundred and sixty-five bills of the value of eighty shillings.

And the said John Bayard, Robert Knox, Joseph Parker and Michael Shubart shall use their best care, attention and diligence during the printing of the said bills that the number and amount thereof according to their respective denominations aforesaid be not exceeded nor any unjust and fraudulent practices used by the printer, his servants or others concerned therein. And for perfecting the said bills according to the true intent and meaning of this act:

[Section II] (Section III, P. L.) Be it enacted by the authority aforesaid, That all and every of the said bills the denominations whereof shall be four shillings and upwards shall be signed by any two of the persons hereinafter mentioned, and that every of the said bills the denomination[s] whereof shall be under four shillings shall be signed by any one of the persons hereinafter mentioned; That is to say, by Benjamin Betterton, John Young,

¹ The original roll of this act contains no escutcheon.

Junior, William Thorn, [Andrew Hodge], William Kinley, Isaac Howell, Caleb Davis, Joseph Gardner, James Cannon, Whitehead Humphreys, Benjamin Jacobs, William Evans, [Levi Budd], Isaac Snowden, John Brown, William Will, Philip Alberty, Henry Luithausen, Samuel Smith, Frederick Antis, Robert Loller and James Davidson, who are hereby nominated and appointed to be signers of the said bills, and shall before they receive or sign any of them take an oath or affirmation to the effect following, viz.:

That they will well and truly sign and number all the bills that shall come to their hands for that purpose by the direction of this act and the same so signed and numbered will deliver or cause to be delivered unto the said John Bayard, Robert Knox, Joseph Parker and Michael Shubart or some one of them pursuant to the direction of this act.

(Section IV, P. L.) And for avoiding the danger of embezzlement or misapplication of the said bills of credit:

[Section III.] Be it further enacted by the authority aforesaid, That the said John Bayard, Robert Knox, Joseph Parker and Michael Shubart or any one of them after the said bills shall be printed shall deliver them to the signers as aforesaid to be signed and numbered by parcels for which the said signers or one of them shall give his or their receipt: That is to say, not above three thousand pounds value in the said bills at one time to any two of the said signers, and so from time to time until all the said bills of credit shall be signed and numbered in such manner that not more than the value of three thousand pounds be in the hands of any two of such signers at any one time, of all which said bills of credit so delivered to be signed a true account shall be kept by the signers, who upon their re-delivery of each or any parcel of the said bills by them signed or numbered shall take the receipt of the said John Bayard, Robert Knox, Joseph Parker and Michael Shubart or some one of them to charge them before any committee of assembly to be appointed for that purpose. And each of the signers shall receive ten shillings for every thousand of the said bills by him signed and numbered. And each of them the said John Bayard, Robert Knox, Joseph Parker and Michael Shubart shall have and receive for their trouble the sum of ten shillings for each day they

shall be employed in the said service. And the said treasurer for receiving and paying the said bills of credit shall have and receive five shillings for every hundred pounds, and no more, to be paid out of the moneys so struck.

[Section IV.] (Section V, P. L.) And be it enacted by the authority aforesaid, That as soon as the said bills shall be signed, numbered and perfected the said John Bayard, Robert Knox, Joseph Parker and Michael Shubart or any one of them shall deliver them to the state treasurer and take his receipt or receipts for the same, who shall therewith pay off and discharge all such drafts and certificates as shall be made by order of assembly for public use.

[Section V] (Section VI, P. L.) And be it enacted by the authority aforesaid, That all the said bills of credit hereby directed to be made, signed and numbered as aforesaid as this act directs shall be legal tender in and for the payment and discharge of all manner of debts, rents, sum or sums of money whatsoever due, payable or accruing upon or by reason of any mortgage, bill, specialty, bond, note, book account, promise or any other contract or cause whatsoever as if the same were tendered or paid in the coins mentioned in such mortgage, bill, specialty, bond or other writing, book account, promise, assumption or in any other contract whatsoever within this commonwealth.

[Section VI] (Section VII, P. L.) And be it further enacted by the authority [aforesaid], That if any person or persons shall presume to counterfeit any of the bills of credit made and issued by virtue of this act or any of the said bills of credit emitted and made current by the resolves of the late assemblies of Pennsylvania by printing or procuring the same to be printed in the likeness and similitude of the said bills of credit, or if any person or persons shall forge the name or names of the signers of the said true bills of credit to such counterfeit bills, whether the counterfeiting of the said bills of credit or names be done within this state or elsewhere or shall utter such bills knowing them to be counterfeited as aforesaid and being thereof legally convicted by confession, standing mute or by the verdict of twelve men in any court of oyer and terminer within this commonwealth, he, she or they shall suffer death and the discoverer or informer

shall have as an encouragement for his discovery the sum of fifty pounds of value of the goods and chattels, lands and tenements, of the person or persons convicted, and if no such goods and chattels, lands and tenements, can be found the sum of ten pounds to be paid by the state treasurer; and if any person or persons shall counterfeit any of the said bills of credit by altering the denomination thereof with design to increase the value of the said bills, or shall utter such bills, knowing them to be so counterfeited or altered, and shall thereof be legally convicted in any court of quarter sessions of the peace within this commonwealth, every such person or persons shall be sentenced to the pillory, have both of his or her ears cut off and nailed to the pillory and be publicly whipped on his or her bare back with thirty-nine lashes well laid on; and, moreover, every such offender shall forfeit the sum of one hundred pounds, to be levied on his or her lands and tenements, goods and chattels, one moiety to the use of the state and the other to the discoverer; and the offender shall pay to the party aggrieved double the value of the damages thereby sustained, together with the costs and charges of the prosecution; and in case the offender shall not have sufficient to satisfy such discoverer or [sic] [for] his or her damages and pay the forfeiture aforesaid, he or she shall be sold for any term not exceeding seven years to make such satisfaction; and in case the said discoverer shall not be paid the full sum of ten pounds by the sale of such offender's goods, the state treasurer shall pay the sum of ten pounds, and every such counterfeit bill shall be delivered to the state treasurer to be made use of upon the trial of the person or persons accused or suspected, and afterwards to be burnt or destroyed in the presence of a committee of assembly. And to the end that the said sum of two hundred thousand pounds in bills of credit so as aforesaid to be struck by virtue of this act may be duly and fully sunk and destroyed:

[Section VII] (Section VIII, P. L.) Be it further enacted by the authority aforesaid, That there shall be levied on all estates real and personal within this commonwealth of all and every person and persons the sum of one shilling and six pence for every pound clear yearly value of the said estates as the said

yearly value of the rents ariseth out of the premises or otherwise to be estimated by the assessors according to their best discretion and judgment, having respect to the quantity and value of the unimproved parts of the same, as also upon all located unimproved land or tracts of land to be assessed and rated in the manner hereinafter mentioned, to be paid by the owners or possessors in the manner herein directed; and that every single freeman, whether residing with parents or elsewhere, who at the time of the assessment shall be of the age of twenty-one years or hath been out of his apprenticeship or servitude for the space of six months shall pay the sum of ten shillings, except such as shall be actually enlisted in the service of this or the United States of America as soldiers during the time for which any part of the tax shall be levied.

[Section VIII] (Section IX, P. L.) And be it enacted by the authority aforesaid, That the several sums so to be raised as aforesaid shall be assessed and levied from and after the first day of October next and shall be collected and paid in the same manner as the money given and granted to the use of the King of great Britain in and by an act of general assembly of the province of Pennsylvania passed the thirtieth day of May in the year [of our Lord] one thousand seven hundred and sixty-four, entitled "An act for granting to His Majesty the sum of fifty-five thousand pounds and for striking the same in bills of credit in the manner hereinafter directed, and for providing a fund for sinking the said bills of credit by a tax on all estates real and personal and taxables within this province"¹ is directed, and every article, clause and thing therein contained concerning the assessing and levying the taxes therein mentioned and the duties of the several officers and the allowances for their trouble enjoined them by the said act—except only such articles, clauses and things as are declared to be repealed by a certain other act of assembly called a supplement to the said act passed the twentieth day of September in the year of our Lord one thousand seven hundred and sixty-six,² and the penalties and forfeitures for refusal or neglect thereof shall be used, exercised

¹ Passed May 30, 1764, Chapter 513.

² Passed September 20, 1766, Chapter 547.

and put in practice for assessing, levying and collecting the tax hereby imposed and for discharging the respective duties and offices thereof as if the same articles, clauses and things were inserted in this act, except in such cases as are herein excepted, ascertained, provided for or altered.

(Section X, P. L.) And whereas the outstanding taxes will be sufficient when collected to sink and destroy all such bills of credit which were struck by acts of the said general assemblies and applied to the use of the King of Great Britain:

[Section IX] Be it enacted, That all bills of credit bearing date any time before the first day of July, one thousand seven hundred and fifty-nine shall not pass in payment of any debt or demand after the first day of October next except for taxes in order to sink and destroy the said bills.

Passed March 20, 1777. See the note to the Act of Assembly passed March 5, 1725-26, Chapter 289; and the Acts of Assembly passed October 13, 1777, Chapter 767; December 10, 1777, Chapter 768; December 5, 1778, Chapter 823; March 20, 1779, Chapter 830.

CHAPTER DCCLIII.

AN ACT FOR PUNISHING THE COUNTERFEITING THE CONTINENTAL LOAN OFFICE TICKETS AND LOTTERY TICKETS.

(Section I, P. L.) Whereas it was resolved in Congress the third day of October, one thousand seven hundred and seventy-six that five millions of continental dollars should be borrowed for the use of the United States of America, and that the lenders are to receive from the commissioners appointed for that purpose in each of the said United States a certificate signed by the continental treasurer and countersigned by one of the said commissioners of the said loan offices as by the said resolve may more fully appear:

And whereas it is necessary that some effectual measures be taken to prevent the counterfeiting the said certificates granted by the said commissioners of the said loan offices and also to

prevent the counterfeiting the tickets of the United States lottery:

And whereas the punishment to be inflicted for counterfeiting the bills of credit emitted by the continental Congress is not sufficiently provided for in an act passed this present session, entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the defense of this state and providing a fund for sinking the same by a tax on all estates real and personal and on all taxables within the same:"¹

For remedy whereof:

[Section I] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That if any person or persons shall presume to counterfeit any of the said certificates of the Continental loan offices, or any of the bills of credit emitted and made current by the resolves aforesaid of the honorable Continental Congress by printing or procuring the same to be printed in the likeness or similitude of any of the said genuine certificates or bills of credit aforesaid, or shall forge the name or names of any of the signers of the said certificates or bills of credit, or shall alter the dates, numbers, sums or denominations of any of the said genuine certificates or bills of credit aforesaid with an intention to increase the value, or defraud, whether the said counterfeiting, forging or altering be done in this commonwealth or elsewhere, or shall sell, give in payment or otherwise utter or distribute any of the said counterfeit, forged or altered certificates or bills of credit knowing them to be such and being thereof legally convicted by confession, standing mute or on the verdict of twelve men in any court of oyer and terminer or quarter sessions within this state as the nature of the case may require, he, she or they shall suffer the same punishments, pains, penalties, fines and forfeitures as are directed for counterfeiting, altering or uttering the bills of credit of this commonwealth or emitted or hereafter to be issued or emitted by virtue of an act, entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the defense of this state and

¹ Passed March 17, 1777, Chapter 750.

providing a fund for sinking the same by a tax on all estates real and personal and on all taxables within the same."²

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit any of the United States lottery tickets by printing or procuring the same to be printed in the likeness of the genuine tickets or forge the name or names of any of the signers of the said tickets, or shall alter the number, or shall sell, utter or otherwise distribute any of the said counterfeit, forged or altered tickets knowing them to be such and be thereof legally convicted before any court of quarter sessions in this commonwealth, he, she or they shall be sentenced to the pillory and be publicly whipped with any number not exceeding thirty-nine lashes well laid on his, her or their bare backs, and the offender shall pay to the party aggrieved double the value of the damages thereby sustained, together with the costs and charges of the prosecution; and if the offender shall not have enough to satisfy the person aggrieved for his or her damages together with costs he, she or they shall be sold for any term not exceeding seven years; and every such counterfeit ticket shall be delivered to the judges or justices of the court, to be made use of upon the trial of the person so accused or suspected and afterwards to be burnt and destroyed in presence of the court.

Passed March 20, 1777. See the notes to the Act of Assembly passed September 28, 1773, Chapter 686; and the note to Ordinance of the First Constitutional Convention passed August 1, 1776, Chapter 728.

CHAPTER DCCLIV.

AN ACT AUTHORIZING THE PRESIDENT AND COUNCIL TO APPOINT JUDGES TO HOLD CITY COURTS AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas by the late revolution which hath taken place in the government of this state all powers and jurisdictions not founded on the authority of the people only have become null and void:

² Passed March 17, 1777, Chapter 750.

And whereas the powers and jurisdictions hitherto exercised by the mayor, recorder and aldermen of the city of Philadelphia were not founded on the said authority of the people and are therefore become null and void. In order to remedy any inconveniences which may arise from the want of proper persons to exercise the powers and jurisdictions formerly exercised by the said mayor, recorder and aldermen:

[Section I] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the president and executive council shall appoint and commissionate five judicious and respectable inhabitants of the said city of Philadelphia to be judges of a certain court to be held in the said city to be called the city court, who or any three of them shall hold the same; and the said judges shall hold the said court four times in the year at such times as they shall appoint, except the first court which shall be held on Monday, the twenty-first day of April next; and the said judges or any three of them and the said city court shall have, use, exercise and enjoy the same or equal power, authority and jurisdiction within the said city as the said late mayor, recorder and aldermen of the said mayor's court had or used, exercised or enjoyed, in as full and ample a manner as if the same were herein particularly set forth and described.

(Section III, P. L.) And whereas it is necessary that some temporary regulation should take place respecting certain rights or claims used or exercised by the said mayor, recorder, aldermen and common council of the said city until the public tranquillity shall be so far established as to afford leisure for making some more permanent regulation:

[Section II] (Section IV, P. L.) Be it therefore enacted by the authority aforesaid, That the president and council shall appoint proper persons to be clerk of the market, corder and corders of wood, measurers of grain, salt and other such officers as have been usually appointed by the said mayor, recorder, aldermen and common council or some or one of them: and the said president and council shall also let out upon rent all such ferries, wharves, stalls, standings and places as were usually let out upon rent by the late mayor, recorder, aldermen and

common council or any or either of them. And the said president and council shall receive all such rents as are now due or accrued from all persons holding any such ferries, wharves, stalls, standings or places, and the same, together with all such rents as shall accrue and become due hereafter, shall pay into the hands of the state treasurer for the use of the inhabitants of the said city of Philadelphia, to be disposed of for the use of the said inhabitants as shall be hereafter directed.

[Section III] (Section V P. L.) Be it further by the authority aforesaid enacted, That all indictments, informations, and causes whatsoever which were depending and undetermined in the said mayor's court on the day of last past shall be removed into and made cognizable in the said city court in the same manner as if the same had originated therein, save only that wherever the name of the King of Great Britain occurs there shall be used and substituted the commonwealth of Pennsylvania in the stead of the name of the said King.

[Section IV] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the late mayor, recorder and aldermen of the said city shall deliver up and return all recognizances which they shall have taken from any person or persons since the said day of to the judges of the said city court or some one of them on or before the said twenty-first day of April, which said recognizances in case of forfeiture shall be sued in the name of the commonwealth of Pennsylvania, though they should have been taken in the name of the King aforesaid.

[Section V] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the clerk of the said mayor's court shall well and truly deliver and surrender up to the said judges of the city courts or some one of them all and singular the books, records and papers belonging to or in use in the said court, and if he shall, upon demand being made thereof in writing, refuse or neglect so to do, the president in council is hereby authorized and required to commit him to the gaol of the said city, there to remain without bail or mainprize until he shall deliver up the said books, records and papers.

[Section VI] (Section VIII, P. L.) Be it enacted by the au-

thority aforesaid, That the prothonotary of the city of Philadelphia and of each county in this state before they enter on the duties of their respective offices shall severally take the oaths or affirmations required by the constitution of this state, and shall give bond to the president of the council for the time being with one or more sufficient sureties for such sum or sums as the president and council shall judge sufficient for the faithful execution of their respective offices and for the delivery of all books, records, papers and seals belonging to their respective offices aforesaid, whole, safe and undefaced to the person or persons who shall be appointed or commissioned by the president and council to succeed him or them in their respective offices.

[Section VII] (Section IX, P. L.) Be it further enacted by the authority aforesaid, That if any person who may have acted as prothonotary in the city of Philadelphia or in any county in the state shall refuse when thereunto required by the person who is or shall be appointed by the president and council to succeed him in his office to deliver up all and singular the books, records, papers and seals belonging to or in use in the said office, and on demand being made in writing shall refuse or neglect so to do the president in council or any two justices of the peace are hereby required and authorized to commit him to the common gaol of the city or county where the offender dwells, there to remain without bail or mainprize until the said successors shall become possessed of the said books, records, papers and seals.

[Section VIII] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the president and council are hereby authorized and empowered to take such measures to procure the books, records, papers and seals aforesaid as to them may seem necessary, and in case the seals of the said office should not be delivered as aforesaid then the officer appointed by the president and council to make use of any other seal he shall choose until a new one can be made.

Passed March 21, 1777. See the Acts of Assembly passed March 31, 1784, Chapter 1093; March 11, 1789, Chapter 1394.

Laws enacted in the second sitting of the first General Assembly of the Commonwealth of Pennsylvania, which commenced at Philadelphia the 12th day of May, 1777, and continued to the 19th day of June in the same year.

CHAPTER DCCLV.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR MAKING THE CONTINENTAL BILLS OF CREDIT AND THE BILLS OF CREDIT EMITTED BY RESOLVES OF THE LATE ASSEMBLIES LEGAL TENDER AND FOR OTHER PURPOSES THEREIN MENTIONED."¹

(Section I, P. L.) Whereas in the act of the general assembly of the commonwealth of Pennsylvania passed the twenty-ninth day of January last past, entitled "An act for making the continental bills of credit and the bills of credit emitted by the resolves of the late assemblies legal tender and for other purposes therein mentioned,"¹ no mention is made in express words of bodies politic and corporate, for which reason it has been construed by some persons that such bodies are not comprehended within the meaning of the said act:

In order therefore that the said bills of credit and also the bills of credit emitted and to be emitted by virtue of an act entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the defense of this state and providing a fund for sinking the same by a tax on all estates real and personal and on all taxables within the same,"² shall be alike taken and made current in all payments by all persons as well in their private as in their politic or corporate capacity:

[Section I] (Section II, P. L.) Be it enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania

¹ Passed January 29, 1777, Chapter 738.

² Passed March 20, 1777, Chapter 752.

in General Assembly met, and by the authority of the same, That all the bills of credit declared to be legal tender by the said first-recited act and also bills of credit emitted and to be emitted by virtue of the said last-recited act shall be legal tender, not only to those persons and creditors therein mentioned, but also to all bodies politic and corporate which said bodies shall be deemed and taken to be subject in all respects to all the fines and forfeitures in the said acts mentioned which the persons or creditors therein named are or ought to be subject to for any offense committed against the above-recited acts as fully and effectually to all intents and purposes as if the said bodies politic or corporate had been expressly named in the said act.

Passed June 13, 1777. See the notes to the Acts of Assembly passed March 5, 1725-26, Chapter 289; January 29, 1777, Chapter 738. Repealed by the Act of Assembly passed June 21, 1781, Chapter 945.

CHAPTER DCCLVI.

AN ACT OBLIGING THE MALE WHITE INHABITANTS OF THIS STATE TO GIVE ASSURANCES OF ALLEGIANCE TO THE SAME AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas by the separation of the thirteen United States from the government of the crown and parliament of Great Britain (who by their acts of oppression and cruelty as set forth in the declaration of independence by Congress bearing date the fourth day of July one thousand seven hundred and seventy-six had rendered such separation on the part of the said states absolutely necessary for their own happiness and the happiness of succeeding generations) the good people of this state of Pennsylvania are become free and independent of the said crown and parliament:

(Section II, P. L.) And whereas from sordid and mercenary motives or other causes inconsistent with the happiness of a free and independent people sundry persons have or may yet be induced to withhold their service and allegiance from the

commonwealth of Pennsylvania as a free and independent state as declared by Congress:

And whereas sundry other persons in their several capacities have at the risk of their lives and the hazard of their fortunes or both rendered great and eminent service in defense and support of the said independence and may yet continue to do the same, as both those sorts of persons remain at this time mixed and in some measure undistinguished from each other, the disaffected deriving undeserved service from the faithful and well affected:

And whereas allegiance and protection are reciprocal, and those who will not bear the former are not nor ought not to be entitled to the benefits of the latter:

Therefore:

[Section I] Be it enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all male white inhabitants of this state (except of the counties of Bedford, Northumberland and Westmoreland) above the age of eighteen years shall on or before the first day of July next take and subscribe the following oath or affirmation before some one of the justices of the peace of the city or county where they shall respectively inhabit; and the inhabitants of the said counties of Bedford, Northumberland and Westmoreland above said age shall on or before the first day of August next take and subscribe the said oath or affirmation before some one of the justices of the said three counties last-mentioned in which they shall respectively inhabit, and the said justice shall give a certificate thereof to every such person; and the said oath or affirmation shall be as followeth, viz.:

I,, do swear (or affirm) that I renounce and refuse all allegiance to George the Third, King of Great Britain, his heirs and successors, and that I will be faithful and bear true allegiance to the commonwealth of Pennsylvania as a free and independent state, and that I will not at any time do or cause to be done any matter or thing that will be prejudicial or injurious to the freedom and independence thereof, as declared by Congress; and also that I will discover and make known to some one justice of the peace of the said state all

treasons or traitorous conspiracies which I now know or hereafter shall know to be formed against this or any of the United States of America.

And the form of the said certificate shall be as followeth, viz.:

I do hereby certify that hath voluntarily taken and subscribed the oath (or affirmation) of allegiance and fidelity as directed by an act of general assembly of Pennsylvania, passed the day of, A. D. 1777. Witness my hand and seal the day of, A. D., (L. S.)

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the justice or justices of the peace before whom such oath or affirmation shall be subscribed shall keep fair registers of the names and surnames of the persons so sworn or affirmed and the time when, and shall on or before the first day of October in every year transmit in writing under his or their hands and seals to the office of recorder of deeds for the said city or county a true list of the names and surnames of those who within the same year have so sworn or affirmed before them respectively; and the said justice or justices shall have and receive therefor and for the said certificate the sum of one shilling and no more for every person so sworn or affirmed; and the said justice or justices shall lay their accounts before the county commissioners or any two of them from time to time to be examined and allowed; and the said commissioners shall draw orders on the county treasurers for such sums as shall be allowed, which orders the said treasurers are hereby authorized and required to pay out of the state taxes; and the recorders of deeds in the city and several counties of this state are hereby enjoined to record the said lists in books to be prepared for that purpose and shall be paid for the same in the same manner as the justices at the rate of five shillings for every hundred names.

[Section III] (Section IV P. L.) And be it further enacted by the authority aforesaid, That every person above the age aforesaid refusing or neglecting to take and subscribe the said oath or affirmation shall during the time of such neglect or refusal be incapable of holding any office or place of trust in this state, serving on juries, suing for any debts, electing or being elected, buying, selling or transferring any lands, tenements or heredita-

ments, and shall be disarmed by the lieutenant or sub-lieutenants of the city or counties respectively.

(Section V, P. L.) And whereas there is a danger of having the seeds of discord and disaffection greatly spread by persons whose political principles are not known removing or traveling from one part of the state to another, and it is well known that this state is already become (and likely to be more so) an asylum for refugees flying from the just resentment of their fellow-citizens in other states:

For remedy whereof:

[Section IV] Be it enacted by the authority aforesaid, That every person above the age aforesaid who shall travel out of the county or city in which he usually resides without the certificate aforesaid may be suspected to be a spy and to hold principles inimical to the United States, and shall be taken before one of the justices nearest to the place where he shall be apprehended, who shall tender to him the said oath or affirmation, and upon his refusal to take and subscribe the said oath or affirmation the said justice shall commit him to the common gaol of the city or county, there to remain without bail or main-prize until he shall take and subscribe the oath or affirmation or produce a certificate that he had already done so.

[Section V.] (Section VI, P. L.) And be it enacted by the authority aforesaid, That all persons coming from any of the other United States into this state are hereby required to apply to one of the nearest justices after he enters this state and take and subscribe the said oath or affirmation upon the penalty of being dealt with as in the case of persons traveling or removing out of the city or county in which they usually reside unless he can produce a certificate that he has taken an oath or affirmation of the like nature in the state from whence he came.

(Section VII, P. L.) Provided always nevertheless, That delegates in Congress, prisoners of war, officers and soldiers in the continental army, merchants and marines trading in the ports of this state from foreign powers in amity with the United States and not becoming resident are declared not to be within the intent and meaning of this act.

[Section VI] (Section VIII, P. L.) And be it further enacted, That if any person shall forge such certificate as by this act is to be made out and given by one of the justices of the peace of this state, or shall cause or procure others to forge or counterfeit the name and seal of a justice of the peace to such certificate, or shall by erasing or otherwise taking out or covering or pasting over a man's name that was written in a true and genuine certificate alter the same so as to serve his own or any other man's purposes, or shall produce and make use of any such certificate knowing it to be forged or altered, every such person and persons so offending and being thereof legally convicted before any court of general quarter sessions of the peace of the city or county where such offense shall be committed shall be fined the sum of fifty pounds and be committed to gaol until he pays the fine and costs of prosecution and if he shall not within the space of thirty days satisfy the judgment of the court he shall be whipped with any number of lashes not exceeding thirty-nine on his bare back well laid on.

Passed June 13, 1777. See the Acts of Assembly passed October 12, 1777, Chapter 765; April 1, 1778, Chapter 796; September 2, 1778, Chapter 807; September 10, 1778, Chapter 813; December 5, 1778, Chapter 822; March 31, 1779, Chapter 836; October 1, 1779, Chapter 852; September 13, 1785, Chapter 1175; March 4, 1786, Chapter 1206; March 29, 1787, Chapter 1294; (repealed by the Act of Assembly passed) March 13, 1789, Chapter 1396.

CHAPTER DCCLVII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR AMENDING THE SEVERAL ACTS FOR ELECTING MEMBERS OF ASSEMBLY."¹

(Section I, P. L.) Whereas by one of the said acts, entitled "An act to ascertain the number of members of assembly and to regulate the elections,"² passed in the year of our Lord one thou-

¹ Passed March 1, 1745-6, Chapter 364.

² Passed January 12, 1705-6, Chapter 137.

sand seven hundred and five, it is enacted "That the sheriff or some other of the persons appointed judges of the election of members of assembly shall open the paper of an illiterate elector containing the names of those persons for whom he votes, read the same names and ask such elector whether these are the persons for whom he votes?"

(Section II, P. L.) And whereas it is highly dangerous to the freedom of elections in this commonwealth that the sheriffs and other persons appointed judges of elections should continue to be invested with the power of searching and discovering for whom any elector shall vote to represent him:

[Section I.] Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act no sheriff, coroner, inspector, or judge of any election to be held for the city of Philadelphia or for any of the counties in this state for choosing one or more members of the general assembly or of the executive council thereof, shall presume before the end and closing of the poll of such election to unfold or open the whole or any part of the scroll of paper containing the names of the persons voted for and delivered in by any of the electors, and to look over or read the names thereon written or any of them, under the penalty of ten pounds, to be sued for, recovered and appropriated as is hereinafter directed.

(Section III, P. L.) And to remove all pretenses of judges and inspectors to investigate for whom any of the electors will vote:

[Section II.] Be it further enacted, That the clause in the aforesaid act of general assembly which alloweth the electors verbally to give in the names of such persons as they mostly desire should be chosen and the clerks of the election to enter down such names is hereby expressly repealed.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the annual elections of the members of the house of representatives and of the executive council of this state, and of all such officers as under any law of the former government are to be elected on the same day on which the members of assembly were elected, shall from hence-

forth be held on the second Tuesday of the month of October in every year at such places as is here[in]after ordained: That is to say,

The elections for the city of Philadelphia at the state house as usual.

(Section V, P. L.) The elections for the county of Philadelphia, which is divided into three districts, shall be held in three places, to-wit: The freemen of the Northern Liberties, Southwark and the townships of Moyamensing, Passyunk and Kingsessing, being the first district, shall hold their elections at the State House as usual; the freemen of the townships of Germantown, Roxborough, Bristol, Oxford, Lower Dublin, Byberry, Cheltenham, Abington, Moreland, Upper Dublin, Horsham, White-marsh, Springfield, Plymouth, Blockley and Lower Merion, being the second district, shall hold their elections in German-town at the public house formerly kept by Jacob Coleman; and the freemen of the townships of Douglass, New Hanover, Limerick, Frederick, Marlborough, Upper Hanover, Upper Salford, Worcester, Providence, Perkiomen and Skippack, Lower Salford, Franconia, Hatfield, Towamensing, Whitpain, Norriton, Upper Merion, Montgomery and Gwynedd being the third district, shall hold their election at Jacob Wentz's in the township of Worcester.

(Section VI, P. L.) The elections for the county of Chester which is divided into three districts shall be held in three places, to-wit: The freemen of the townships of Chester, Upper Chichester, Lower Chichester, Bethel, Asheton, Concord, Middleton, Thornbury, Birmingham, Nether Providence, Upper Providence, Ridley, Marple, Springfield, Darby, Haverford, Newtown, Edgmont, Willistown and Radnor, being the first district, shall hold their election at the borough of Chester; the freemen of the townships of London Grove, East and West Marlborough, Kennett, Pennsbury, Newleyn, New Garden, London Britain, New London, Londonderry, East and West Nottingham, Oxford, East and West Fallowfield and Sadsbury being the second district, shall hold their election at Chatham, formerly called the Halfway House; and the freemen of the townships of East and West Bradford, West Caln, Charlestown, Tredyffryn, Uwchland, Pike-

land, Coventry, East and West Whiteland, East and West Nantmel, East Caln, Eastown, Westown, Goshen, and Vincent, being the third district, shall hold their election at the house of Joseph Bentley, commonly called the Red Lion.

(Section VII, P. L.) The elections for the county of Bucks, which is divided into two districts, shall be held at two places, to-wit: The freemen of the townships of Millford, Richland, Springfield, Durham, Haycock, Nocamixon, Tinicum, Bedminster, Rockhill, Hilltown and Plumstead, being the first district, shall hold their election at the house of Andrew Kuchlein in Rockhill, and the freemen of all the rest of the townships of the said county at the court house in Newtown.

(Section VIII, P. L.) The elections for the county of Lancaster, which is divided into six districts, shall be held in six places, to-wit: The freemen of the borough of Lancaster and the townships of Lancaster, Leacock, Warwick, Manheim, Hempfield, Manor, Connestogoe and Lampeter, being the first district, shall hold their election at the court house in the borough of Lancaster; the freemen of the townships of Little Britain, Drummores, Bart, Colerain, Martick, Strasburg and Sadsbury, being the second district, at the house of James Porter, Junior, in Drummores; the freemen of the townships of Derry, Londonderry, Rapho, Donegal and Mountjoy, being the third district, at the sign of the Bear, in Elizabethtown, in Donegal township; the freemen of the townships of Salisbury, Caernarvon, Brecknock, Earl and Cocalico, being the fourth district, at New Holland in Earl township; the freemen of the townships of Elizabeth, Bethel, Heidelberg, Lebanon and East Hanover, being the fifth district, at the town of Lebanon; and the freemen of the townships of West Hanover, Paxtang and Upper Paxtang, being the sixth district, at Garber's Mill in Lower Paxtang township.

(Section IX, P. L.) The elections for the county of York, which is divided into five districts, shall be held in five places, to-wit: the freemen of Yorktown and the townships of York, Manchester, Dover, Codorus, Shrewsbury, Windsor and Hallam, being the first district, shall hold their election at the court house in Yorktown; the freemen of the townships of Cumberland, Hamilton's Bann, Straban, Mountjoy, Menallan and Tyrone, being

the second district, at the house of Samuel Gattis in Cumberland township; the freemen of the townships of Heidelberg, Berwick, Mount Pleasant, Manheim, Paradise and Germany, being the third district, at Hanover town; the freemen of the townships of Fawn, Hopewell and Chanceford, being the fourth district, at Thompson's Mill, near the junction of the said three townships; and the freemen of the townships of Newberry, Warrington, Manahan, Huntingdon and Reading, being the fifth district, at the house of Robert Stevenson in Warrington township.

(Section X, P. L.) The elections for the county of Cumberland, which is divided into four districts, shall be held in four places, to-wit: The freemen of the town of Carlisle and of the townships of East and West Pennsborough, Allen, Middleton, Newtown and Hopewell, being the first district, shall hold their election at the court house in the town of Carlisle; the freemen of the townships of Antrim, Peters, Guilford, Hamilton, Fannet, Lurgan and Letterkenny, being the second district, at Chambersburg in Guilford township; the freemen of the townships of Tyrone, Tyboyne and Rye, being the third district, at William M. Clure's, Esquire, in the township of Tyrone; and the freemen of the townships of Milford, Greenwood, Armagh, Leck, Derry and Farmanagh, being the fourth district, at the house of James Purdy, in Farmanagh.

(Section XI, P. L.) The elections for the county of Berks shall be held at the court house of the town of Reading in the said county as usual.

(Section XII, P. L.) The elections for the county of Northampton, which is divided into four districts, shall be held in four places, to-wit: The freemen of the town of Easton and of the townships of Easton, William, Lower Saucon, Bethlehem, Forks, Mount Bethel and Plainfield, being the first district, shall hold their election at the court house in Easton aforesaid; the freemen of the townships of Northampton, Salisbury, Upper Saucon, Upper Milford, Maccongy, Weisenberg, Lynn, Whitehall, Heidelberg and Lowhill, being the second district at the town of Northampton; the freemen of the townships of Allen, Moore, Chestnuthill, Towamensing, Penn and Lehigh, being

the third district, at the house of Peter Anthony in Lehigh township; and the freemen of the townships of Hamilton, Lower Smithfield, Delaware and Upper Smithfield, being the fourth district, at the house of Nicholas Dupuy in Lower Smithfield township.

(Section XIII, P. L.) The elections for the county of Bedford, which is divided into four districts, shall be held in four places, to-wit: The freemen of the town of Bedford and the townships of Bedford, Colerain and Cumberland Valley, being the first district, shall hold their elections at the court-house in the said town of Bedford; the freemen of the townships of Bethel, Air and Dublin, being the second district, at the house of John Burd at Fort Littleton; the freemen of the townships of Barre, Hopewell and Frankstown, being the third district, at the place called the Standing Stone; and the freemen of the townships of Brothers Valley, Turkey Foot and Quesnachoning, being the fourth district, at the house of John Kemberline near the junction of the said three townships.

(Section XIV, P. L.) The elections for the county of Northumberland, which is divided into four districts, shall be held in four places, to-wit: The freemen of the townships of Augusta, Penns and Mahanoy, being the first district, shall hold their election at the town of Sunbury; the freemen of the townships of Turbit, Mahoning and Wyoming, being the second district, at the town of Northumberland; the freemen of the townships of Buffalo, White Deer and Potter, being the third district, at Foutz's Mill in Buffalo aforesaid; and the freemen of the townships of Muncy and Bald Eagle, being the fourth district, at the house of Amariah Sutton, in Muncy township.

(Section XV, P. L.) And the elections for the county of Westmoreland, which is divided into four districts, shall be held in four places, to-wit: The freemen of the county on the north side of Kiskemenetas and Conemaugh being the first district, shall hold their election, at Captain Samuel Moorhead's mill; the freemen of the country bounded by the Laurel Hill, Conemaugh, the Chestnut Ridge and the Youghioghenny, being the second district, at Fort Ligonier; the freemen of the country on the south side of the said river Youghioghenny being the third district, at

Sparks Fort in Tyrone township; and all the freemen not included in the aforementioned districts at Hannah's Town.

[Section IV.] (Section XVI, P. L.) Provided always and it is hereby further enacted, That no person who has lands and tenements in two districts or in two counties shall vote in more than one district or county in this state at any one election, any law or custom to the contrary thereof notwithstanding.

[Section V] (Section XVII, P. L.) And be it further enacted, That all the elections for members of the general assembly or of the executive council to be held in pursuance of any writ or writs which shall be issued by the president or vice-president in council or by the speaker of the house of assembly shall be holden in the said city and counties respectively at the same places where the annual elections are by this act directed to be holden, and that the sheriff, coroner and other persons who shall have it in charge to execute such writ or writs shall give public notice of the time and place of election and proceed thereupon as directed by the said first-recited act within the space of fifteen days after the receipt of such writ or writs aforesaid, and give eight days notice of the day of election, which notice shall be given in writing or print and shall be proclaimed and published in the same manner as is directed in and by an act, entitled "An act to ascertain the number of members of assembly and to regulate the elections;"¹ and that the returns as well of the annual elections as of the occasional elections held by writ shall be made in the same manner as the aforesaid act directs, and one part thereof delivered to the president or vice-president of the council for the time being and the [other to the] house of representatives.

[Section VII] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the freemen of the several wards of the city of Philadelphia and of the several townships in the said counties shall elect their inspectors of the elections on the Saturday next preceeding the annual elections of this state in the same manner and to the same effect as is directed and provided in and by an act of general assembly of this state, entitled "An act directing the choice of inspectors,"² passed in

¹ Passed January 12, 1705-6, Chapter 137.

² Passed February 8, 1766, Chapter 539.

the year of our Lord one thousand seven hundred and sixty-six, And that the inspectors who shall be chosen in pursuance of the said act or a majority of them shall in the morning of the day of any election at their meeting in the place appointed for the district to which they belong choose and take to their assistance three reputable and discreet persons, who with the sheriff or coroner (if he be present) shall be judges of the election and shall qualify themselves by reading, if no justice of the peace be present, and each justice if present is hereby enjoined and required to administer the following oath or affirmation:

“I do swear (or affirm) that I will duly attend the ensuing election during the continuance thereof and well, truly and faithfully assist the inspectors of this election to prevent all fraud and deceit whatsoever of electors or others in carrying on the same:”

And that thereupon the constables or overseers of the poor of the several townships belonging to the district in which the election is to be held shall make their returns of the names of the persons chosen inspectors for the said township respectively unto the judge's assistant who were so qualified as aforesaid; and the said judges, or any one of them shall administer an oath or affirmation to the inspectors:

That they (the said inspectors) will duly attend the ensuing election during the continuance thereof, and well, truly and faithfully assist the sheriff and coroner, if they or either of them be present, and the aforesaid judges of the election, to prevent all fraud and deceit whatsoever of electors or others in carrying on the same and in causing the poll or votes at such election to be taken, marked off upon their respective lists and cast up as by the several acts of general assembly of this state it is directed and enjoined.

And the said judges shall open the said election at some time between the hours of ten in the morning and two in the afternoon of the day of election. And the said inspectors shall and they are hereby authorized to administer to every elector or person presenting his ticket who shall be suspected by any of the judges not to be entitled to vote an oath or affirmation (instead of the oath or affirmation prescribed by the last-mentioned act of assembly) in the words following, to-wit:

"That he is twenty-one years of age and a freeman of the county of; that he has resided in this state for the space of one whole year and paid public taxes during that time (or is the son of a freeholder in this state who payeth taxes), and that he has not voted already nor will vote at this election in any other district of the said county or in any of the other counties of this state."

[Section VII] (Section XIX, P. L.) And be it enacted, That every person coming to vote for members of assembly or executive council who shall present his ticket to any inspector of election shall produce a certificate of his having taken and subscribed the oath or affirmation of allegiance as directed in and by an act of general assembly, entitled "An act obliging the [male white] inhabitants of this state to give assurances of allegiance to the same and for other purposes therein mentioned,"¹ and the inspector to whom such ticket shall be presented shall not receive such ticket until such person shall have taken the said oath of affirmation, which any inspector of election is hereby empowered and required to administer.

[Section VIII] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That after the election shall be ended the poll closed and the number of votes to each candidate happening cast up the aforesaid judges and inspectors or a majority of them shall make out under their hands and seals a fair list and certificate of the names of the persons voted for in the respective offices for which the election is held and of the number of votes received for each candidate, and one or more of the said judges shall take charge of and within the space of two days next after such election produce and deliver the said list and certificate in a meeting of all the judges or at least of one for each of the districts so electing in the respective counties, to be convened at the court-house of the county, and the judges of election so met shall compare the several lists and certificates of the different districts of their county, cast up the number of votes received for each candidate and certify and declare those who shall bear the highest number of votes to be duly elected and make return thereof within the space of twelve days next following unto the president or vice-president of the

¹ Passed June 13, 1777, Chapter 756.

supreme executive council for the time being and to the house of representatives at their next sitting.

[Section IX] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That if any judge or inspector of election, overseer of the poor or constable of the city of Philadelphia or of any borough or township in this state shall refuse or neglect to do the duties hereby enjoined them or shall wilfully misbehave in the doing thereof, he or they shall forfeit and pay if a judge or inspector of election any sum not exceeding fifty pounds, and if an overseer of the poor or constable, any sum not exceeding five pounds. And that the fines and penalties by this act set and imposed shall be recovered as common debts according to the quantity or amount thereof, either by process of court or before one of the justices of the peace or of the court of common pleas of the county where the offense is committed, and shall go to and be appropriated, one-half thereof to the person or persons who will sue or prosecute for the same and the other half to the public treasury of this state.

(Section XXII, P. L.) Provided always, That all actions and prosecutions against any person or persons whosoever for or by reason of any matter or thing done contrary to the directions of this act shall be brought and commenced within the space of three months next after cause of such action or prosecution accrued.

[Section X] (Section XXIII, P. L.) And be it further enacted, That so much of the aforesaid acts to which this act is a supplement as is herein altered and supplied shall be and is hereby repealed.

Passed June 14, 1777. See the Act of Assembly passed September 20, 1780, Chapter 914. The act in the text was repealed by the Act of Assembly passed September 13, 1785, Chapter 1175.

CHAPTER DCCLVIII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT DIRECTING THE MODE OF COLLECTING THE FINES IMPOSED ON PERSONS WHO DID NOT MEET AND EXERCISE IN ORDER TO LEARN THE ART MILITARY ACCORDING TO THE RESOLVES OF THE LATE ASSEMBLY OF PENNSYLVANIA."¹

(Section I, P. L.) Whereas for the speedy execution of the good purposes to which the said resolves of the late and the said act of the present general assembly of this state were agreed upon and passed several certain days were in and by the same act to which this is a supplement expressly and peremptorily stated and fixed for the doing of several matters and things necessary to be done in order to obtain the end and effect of the said resolves: That is to say, the twenty-eighth day of February last was fixed for the day of meeting of the commissioners of the several counties of this state and appointing proper persons to make returns in writing for every ward, township and district where such returns had not been already made of the names and surnames of every male white person who at the time of passing the said resolves were capable of bearing arms and between the ages of sixteen and fifty years (except of such persons as by the said act were excepted). The eleventh and twenty-seventh days of March then next following were fixed for the days on which the persons appointed by the commissioners should have brought in their lists and made their returns to the commissioners. The twentieth day of the same month of March was fixed for the day on or before which the captains or commanding officers of companies in the militia should return to their respective colonels lists of the associators, and the twenty-seventh day of the same month for the day on or before which the said colonels should return duplicates of the said company lists unto the said commissioners. The tenth day of April then next following was fixed for the day of meeting of

¹ Passed February 14, 1777, Chapter 742.

all or any four of the assessors of the city of Philadelphia and of the several counties within this state respectively, together with one or more of the commissioners and to appoint collectors of the said fines; and the twelfth day of May then next following was fixed for the return day of the collectors and the appeal day before the commissioners.

(Section II, P. L.) And whereas in several of the counties of this state the commissioners have not entered upon the execution of the aforesaid act, and in others a beginning thereof is made, but the making of the proper returns, appointing collectors of the said fines and several other matters by the said act of general assembly directed to be done on a certain day and within a limited time (which is since expired) remain undone to this day, to the great hurt of the public cause and the particular damage of many of the good subjects of this state for whose relief the said fines and the act of assembly for collecting the same were intended and made:

For remedying whereof:

[Section I] Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the commissioners of the city of Philadelphia and of the several counties of this state or any two of them in the said city and in each county shall, within the space of thirty days from the publication of this act or as soon as possible afterwards, meet at the court-house of the said city or county for which they are commissioners, or at any other place in the said city or county where it shall seem most convenient to them, and make diligent and strict inquiry of and ascertain what proceedings have been had in the said city or counties respectively upon the aforesaid resolves of the late assembly of Pennsylvania, or in pursuance of the said act of general assembly to which this is a supplement, and wherever they shall find that the returns of persons capable of bearing arms and within the description of the said act have not already been made they shall immediately proceed to appoint a proper person for each ward, township or district to make such returns in manner and form as by the said act is directed, and shall fix a day or days on

which the persons so to be appointed shall make their returns to them the said commissioners not exceeding twenty days from the date of the appointment. And that the captains or commanding officers of companies of the militia who have not made out lists of the persons belonging to their companies and the colonels who have not made duplicates thereof and returned the same shall and they are hereby required according to the best of their knowledge and ability to make and return such lists and duplicates as by the said act is directed within the space of thirty days from the publication of this act. And that the commissioners, assessors, collectors of fines and all other persons whosoever who by the aforesaid act of assembly to which this is a supplement or within the true meaning and intent thereof are enjoined and required to do any act, matter or thing relative to the end and purpose of assessing, levying and collecting the fines imposed by the said resolves of the late assembly shall do and perform each of them his duty as far as it remains yet undone within such time as the county commissioners or assessors shall from time to time fix upon, and give notice thereof in the same line and order of the whole business through the different stages thereof from the first meeting of the commissioners to the collecting and paying into the treasury the said fines as by the said act to which this is a supplement are marked out and directed to be followed notwithstanding that the several days and times in and by the aforesaid act of assembly fixed and limited are past and expired.

[Section III, P. L.) And in order to provide against any future delays and obstructions in collecting the said fines:

[Section II] Be it further enacted by the authority aforesaid, That if it shall happen that in the city of Philadelphia or in any of the counties of this state the commissioners for the time being or any two of them by reason of sickness or of being out of the said city or county in the service of the public or for any other reason whatsoever shall or will not attend to the duties hereby enjoined them, the sheriff of the said city or county where such commissioner or commissioners shall be wanting shall under the penalty of one hundred pounds without any delay make out a summons under his hand and seal directed to some

one or two of the freeholders of his city or county who have heretofore been in the office of commissioners or in any other office of public trust depending upon the choice of the people or their representatives, commanding him or them to do and perform the several acts, matters and things which by this act and the act to which it is a supplement are directed to be done by the commissioner or commissioners who cannot or will not attend as the case shall require; and the person or persons so summoned by the sheriff under the authority of this act shall obey his summons and proceed to do the duties of a commissioner or commissioners for the purpose of executing the said resolves and act of assembly under the same penalties as by the said act are imposed on commissioners actually in office who refuse to act; and if the person or persons so summoned by the sheriff as aforesaid shall refuse or neglect to do the duties of commissioner or commissioners for the purpose required of him or them, the sheriff shall in like manner summon another or others as often as the case shall require until two persons shall be willing and active in doing the duties required of commissioners by this act and the act to which it is a supplement. And that the commissioners, assessors, collectors and other persons who have refused or neglected to expedite the business and perform the duties enjoined them by the aforesaid act within the time thereby limited shall, if they again refuse or neglect to do and expedite within the time limited by this act the same business and duty, they shall [sic] forfeit and pay double the fines and penalties imposed by the act of assembly to which this is a supplement.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the former county commissioners and assessors who are now out of office and have not yet delivered to the present commissioners and assessors all the books, minutes, accounts and treasurer's bonds belonging to the commissioners and assessors shall within the space of three days after demand made deliver the same to the commissioners and assessors for the time being under the penalty of five hundred pounds.

[Section IV] (Section V, P. L.) And be it further enacted,

That the commissioners and assessors of the several counties shall be allowed twelve shillings for each day for their service aforesaid, and that the persons to be appointed for making and returning the lists of all the persons capable of bearing arms in each township or district, and the collectors of the fines if they are employed in another township than that in which they dwell, shall have such reasonable allowance for their extraordinary trouble as the county commissioners or the persons who shall act instead of the commissioners shall think proper, and ascertain over and besides the wages limited by the act to which this is a supplement.

Passed June 18, 1777. See the note to the Act of Assembly passed February 14, 1777, Chapter 742.

CHAPTER DCCLIX.

AN ACT TO RE-ESTABLISH THE ANCIENT CORPORATION OF THE BURGESSES AND INHABITANTS OF THE BOROUGH OF LANCASTER IN THE COUNTY OF LANCASTER.

(Section I, P. L.) Whereas the said corporation, deriving its existence and freedoms from the authority of the crown of Great Britain, became upon the declaration of the independence of this state from that crown immediately dissolved:

(Section II, P. L.) And whereas it has been made to appear to the legislature of this state that it would be most conducive to the good government of the said borough if its ancient frame might under the authority of the people be restored to them, and their officers who of course have discontinued themselves might be reinstated by the law of the land and have perpetual succession, so that the inhabitants of the said borough could go on with their local government in the same way as they used to do under the charter of the late King or the governor of Pennsylvania:

[Section I] Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of

Pennsylvania in General Assembly met, and by the authority of the same, That the president or vice-president of the supreme executive council of this commonwealth for the time being shall as soon as conveniently can be by letters patent under the great seal thereof nominate and appoint for the said borough of Lancaster two burgesses, one whereof to be called chief burgess, six assistants (or common councilmen), one high constable, one town clerk and one clerk of the market, all freeholders and inhabitants of the said borough; and shall of the chief burgess whom he is to appoint take the oath or affirmation of allegiance which by an act of general assembly of this state passed in this session is required to be taken and an oath or affirmation for the due execution of his office as chief burgess, and shall also from time to time, when and as often as the freeholders and inhabitants of the said borough shall have neglected or refused to hold their annual election of burgesses and other officers, nominate and appoint such elective officers; and the chief burgess so to be nominated by him and all future chief burgesses that shall be elected by the people shall qualify in the manner aforesaid. And the said chief burgess after he shall have qualified as aforesaid or any other justice of the peace for the said county of Lancaster is hereby required and empowered to administer the said oath or affirmation of allegiance and also the oath or affirmation of office to the other burgess, to the said six assistants (or common councilmen), to the said high constable, to the said town clerk and to the said clerk of the market.

[Section II] (Section III, P. L.) And it is hereby further enacted by the authority aforesaid, That all the rights, liberties, franchises, immunities, powers and privileges in and by the before-mentioned charter to the former burgesses, freeholders and inhabitants of the borough of Lancaster granted shall be and are hereby to the said freeholders and inhabitants restored, and from and after the first appointment of burgesses and other officers of the said borough to be made by the president shall be re-established and continue in the then burgesses and inhabitants of the borough of Lancaster in the county of Lancaster and their successors forever by the name aforesaid to the same effect as if such rights, franchises, immunities, powers and privi-

leges as in the said charter have been granted were in and by this act enumerated and repeated; and that all the estates and interest in lands and tenements, goods and chattels heretofore by the said corporation under their charter purchased or acquired shall be and remain the estate and property of the burgesses and inhabitants of the said borough re-established by law and to their successors forever; and that all contracts by the said ancient corporation made with any person and persons whosoever shall be binding upon and in favor of the corporation by this act re-established; and all actions and suits commenced and depending wherein the said ancient corporation were either plaintiffs or defendants shall be continued by and between the corporation by this act re-established and the respective plaintiffs or defendants in the same actions or suits as if the said ancient corporation had subsisted without any interruption, any law or usage to the contrary in anywise notwithstanding.

[Section III] (Section IV, P. L.) Provided always, and it is hereby further enacted, That the common seal hitherto used of the said corporation shall be so broken or defaced that no further use thereof may be made to any instrument of the said corporation; and that the burgesses and common council of the said borough of Lancaster next to be appointed shall cause a new seal to be made and engraved with such device and inscription as to them shall seem meet, which shall from thenceforth be used to all public instruments and acts of the said corporation.

Passed June 19, 1777. See the Acts of Assembly passed February 28, 1780, Chapter 878; March 30, 1790, Chapter 1503; April 4, 1792, Chapter 1628; March 9, 1797, Chapter 1927; February 20, 1804, P. L. 122; April 2, 1804, P. L. 450; January 28, 1813, P. L. 50; March 20, 1818, P. L. 207; February 24, 1820, P. L. 42; March 27, 1820, P. L. 113; January 18, 1821, P. L. 9; March 18, 1822, P. L. 61; April 2, 1822, P. L. 164; February 22, 1823, P. L. 50; March 29, 1823, P. L. 156; April 1, 1823, P. L. 270; February 25, 1825, P. L. 40; March 15, 1826, P. L. 110; (the two Acts of Assembly passed) April 10, 1826, P. L. 274, 277; February 27, 1827, P. L. 57; April 12, 1828, P. L. 362; April 14, 1828, P. L. 461; April 8, 1829, P. L. 129; April 7, 1832, P. L. 361; February 7, 1832, P. L. 623; April 24, 1832, P. L. 640; June 9, 1832, P. L. 647; January 29, 1833, P. L. 20; April 6, 1833, P. L. 170; (the Resolution of Assembly passed) March 25, 1833, P. L. 491; April 5, 1835, P. L. 289; April 15, 1835, P. L. 393; March 26, 1835, P. L. 433; March 14, 1837, P. L. 58; April 1, 1837, P. L. 125; April 4, 1837, P. L. 298; (the Resolution of Assembly passed) March 27, 1839, P. L. 657; the Reso-

lution of Assembly passed) June 20, 1839, P. L. 681; (the two Acts of Assembly passed) June 21, 1839, P. L. 373, 376; July 2, 1839, P. L. 581; (the Resolution of Assembly passed) January 31, 1840, P. L. 703; (the Resolution of Assembly passed) May 19, 1840, P. L. 747; March 12, 1841, P. L. 75; February 10, 1843, P. L. 18; May 6, 1844, P. L. 564; (the Resolution of Assembly passed) January 6, 1845, P. L. 545; January 4, 1847, P. L. 27; March 15, 1847, P. L. 366; February 14, 1848, P. L. 54; March 6, 1848, P. L. 104; March 8, 1848, P. L. 119; March 18, 1848, P. L. 209; March 24, 1848, P. L. 235; April 5, 1848, P. L. 337; April 10, 1848, P. L. 443; February 6, 1849, P. L. 40; February 19, 1849, P. L. 74; April 5, 1849, P. L. 424; January 22, 1850, P. L. 16; April 6, 1850, P. L. 400; May 8, 1850, P. L. 713; May 13, 1850, P. L. 749; April 12, 1851, P. L. 464; February 6, 1852, P. L. 37; March 30, 1852, P. L. 207; April 1, 1852, P. L. 219; April 6, 1852, P. L. 265; April 18, 1853, P. L. 530, 565; April 13, 1854, P. L. 352; April 21, 1854, P. L. 446; May 5, 1854, P. L. 584; March 15, 1855, P. L. 81; March 16, 1855, P. L. 92; May 25, 1855, P. L. 473; February 12, 1856, P. L. 40; April 21, 1856, P. L. 485; January 31, 1857, P. L. 9; April 7, 1858, P. L. 220, March 26, 1860, P. L. 270; March 31, 1860; P. L. 475; April 2, 1860, P. L. 556, 569; March 16, 1861, P. L. 132; March 20, 1863, P. L. 173; March 16, 1864, P. L. 16; February 27, 1865, P. L. 74; March 16, 1866, P. L. 237; April 4, 1866, P. L. 469; January 24, 1867, P. L. 111; February 13, 1867, P. L. 158; April 5, 1867, P. L. 783; April 8, 1867, P. L. 905; April 10, 1867, P. L. 995; February 21, 1868, P. L. 199; March 16, 1868, P. L. 327; April 13, 1868, P. L. 876; April 14, 1868, P. L. 1094; February 11, 1869, P. L. 141; February 26, 1869, P. L. 285; March 12, 1869, P. L. 322; March 20, 1869, P. L. 462; April 17, 1869, P. L. 1144; January 25, 1870, P. L. 89; March 14, 1870, P. L. 432; March 27, 1872, P. L. 595; March 28, 1872, P. L. 616; April 9, 1872, P. L. 1075; March 19, 1873, P. L. 315; March 28, 1873, P. L. 449; April 10, 1873, P. L. 734; April 18, 1873, P. L. 811.

CHAPTER DCCLX.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO REGULATE THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA." ¹

(Section I, P. L.) Whereas by the said act it is provided that each of the field officers to be elected by the militia of this state shall be a freeholder, and it may happen that in some of the divisions or districts out of which the several battalions in the city of Philadelphia and the several counties of this state are or shall be formed the greater part of the electors do incline to serve under the command of a man of superior merit, knowledge of military affairs, prudence and courage who is no freeholder and it is very suitable to the genius and the general maxims of a

Passed March 17, 1777, Chapter 750.

free state especially in the military department, to prefer its officers rather on the scale of their merits than of their estates:

[Section I] Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the publication of this act it shall be lawful to and for the inhabitants of each division or district in the said city and counties respectively at their elections of one or more field officer or officers to elect any person being a freeman in whose abilities of commanding them they shall put the highest confidence and trust for a field-officer whether he be a freeholder or not.

[Section II] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the colonel or commanding officer of every battalion which has not been in due time arranged and exercised shall in lieu of the several days which by the said act of assembly for exercising the militia of this state in battalions or companies have been fixed and not observed and kept, fix, observe and keep for the purposes aforesaid a number of days equal to those that have been so lost and are elapsed as aforesaid; and that all persons who shall accordingly meet and exercise shall be and they are hereby acquitted of the fines incurred by them for not meeting and exercising on the days appointed by the aforesaid act to which this is a supplement.

[Section III] (Section III, P. L.) And be it enacted by the authority aforesaid, That any militia-man who on the day of exercise of the battalion or company shall be from home in actual service as a substitute for another shall not be fined as an absentee.

[Section IV] (Section IV, P. L.) And be it further enacted, That the captains in the several districts and sub-divisions shall from time to time enter into their muster-roll such persons living in their districts as have not been already entered agreeable to the said act and put them into that class into which the lot will cast them.

[Section V] (Section V, P. L.) And be it further enacted, That every officer (under the rank of a field-officer), non-commissioned officer and private having in his possession arms or accoutre-

ments who shall neglect or refuse to bring such arms and accoutrements to the place of parade on the days of exercise shall be liable to pay the same fines which by the act to which this is a supplement are imposed on officers and privates not attending on the days of exercise.

[Section VI] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all and every the late officers in the militia of this state who have not been re-elected at the last election of officers and shall have in their possession any drums, colors, arms or accoutrements belonging to the battalion in which they have been officers shall deliver up the same on demand to the lieutenant or sub-lieutenant or to the commanding officer of the battalion of the district wherein he doth reside under the penalty of double the value of the articles so detained, to be recovered in a summary way as the charges for procuring substitutes in the militia are directed to be recovered in and by the act of general assembly to which this is a supplement.

[Section VII] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the field-officers of each battalion to nominate and appoint one surgeon and surgeon's mate and one chaplain to their respective battalions. And that the lieutenant and sub-lieutenants of the city and counties aforesaid shall at their discretion furnish and procure carriages for the battalions or drafts of the militia when it shall be necessary.

[Section VIII] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the commissioned officers of each company of militia shall nominate and appoint one discreet person, who shall be called the almoner, residing in the district or sub-division out of which their company is formed to take proper care of the families of such poor militia men within their respective districts as are in actual service in their own turn and to grant them such support as their necessities may require, provided that such support do not exceed the sum of ten shillings per week for any one family. And the said officers of the company or any two of them shall make out a certificate of their nomination and appointment directed to the lieutenant of the city or county to which the company belongeth, which

certificate shall enable the person thereby appointed to draw from time to time on the lieutenant for such sum and sums of money as shall be necessary for the purpose aforesaid and he shall be liable to render an account of the moneys by him drawn for to the said lieutenants and the several lieutenants of the city and counties in this state shall lay their accounts of such their expenditures before the general assembly or a committee by them appointed for that purpose once in every six months.

(Section IX, P. L.) And whereas the fines in the said act of assembly by the fourth and fifth articles of the rules and regulations by which the militia shall be governed (which said rules and regulations are to be construed and intended as rules and regulations for the government of the militia while in training at their places of exercise and parade and not when drawn out into actual service) imposed on any officer or private who shall strike his superior officer or draw or offer to draw, or shall lift up any weapon or offer any violence against him being in the execution of his office and on any commanding or other officer who shall strike his inferior officer or a private man when on duty are not adequate to the offenses in either cases which from particular circumstances to be given in evidence to a court-martial may be aggravated or alleviated:

For remedying whereof:

[Section IX.] Be it enacted, That the officers and privates offending against either of the said recited two articles, upon conviction thereof before a court-martial shall be fined by the said court at their discretion in any sum not exceeding fifteen pounds.

[Section X] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the militia of this state whilst in actual continental service shall be subject to the same rules and regulations as the continental troops are. Provided, That upon any breach, transgression or offense of a militia-man, whether officer or private, against the rules and regulations of the continental troops the cause shall be tried and determined by a court-martial of the militia of this state except for a charge of high treason upon which he shall or may be tried by such court-

martial as the commander in chief of the army or of the post or division where the offense shall be committed shall direct.

Provided always, That it shall be in the power of the president of the executive council (if he commands the said militia in person), or in case of his absence, of the commanding officer of the militia to alter, mitigate, suspend or pardon any punishment to which any militia man may be sentenced by a general court-martial, except in the said case of high treason.

[Section XI] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the militia of the Northern Liberties of the city of Philadelphia, the district of Southwark and the townships of Moyamensing and Passyunk be and are hereby united to the city of Philadelphia [to act in conjunction with the militia of the said city] and distinct from the county of Philadelphia, that they draw lots for rank in battalion and be joined in brigade, and to act in every other matter that respects the militia law as if they were inhabitants of the said city, and to be under the jurisdiction of the lieutenant and sub-lieutenants of the city.

[Section XII] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the lieutenants of the city of Philadelphia and of each county in this state respectively are hereby directed and empowered to employ a clerk or clerks as often as occasion may require and lay their accounts before the committee of public accounts appointed by the assembly, who are empowered to adjust and settle the same as other incidental charges are settled.

[Section XIII] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all persons employed as post-masters, post-riders or in any other necessary business in the several post-offices within this state are hereby declared to be exempted from all militia duties directed to be performed by this act or the act to which this is a supplement anything in the said acts contained to the contrary notwithstanding.

[Section XIV] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the lieutenant of the city of Philadelphia, with the assistance of the sub-lieutenants and the colonels of the several battalions of the said city and liber-

ties, shall out of the several battalions of militia take such a number as including the artillery companies already raised and raising, shall be sufficient to compose six companies consisting of one captain, one captain lieutenant, two lieutenants and fifty privates, each of such militia-men as [may be] judged most fit for the artillery service and most inclinable thereto and as equally from the several battalions as conveniently may be consistent with the good of the service, and shall form the same into companies of the number aforesaid, which companies when formed by the lieutenants and colonels aforesaid shall elect for themselves one colonel, one lieutenant-colonel and one major and such company officers as may be wanting to complete the said companies, and shall be called the artillery battalion and be considered a corps separate from the other battalions of the militia. And the several captains thereof shall by order of their colonel determine their rank by lot and be numbered from one to six in numerical order and subject to be drawn forth into actual service in rotation by companies, according to their number in rank, number first in rank with class first of the militia and so on until all take their tour, or otherwise as the president or in his absence the vice-president of the supreme executive council shall direct.

[Section XV] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That so much of the aforesaid [act] of general assembly to which this is a supplement as is herein altered or otherwise provided for shall be and is hereby declared to be repealed and made null and void.

Passed June 19, 1777. See the note to the Act of Assembly passed March 17, 1777, Chapter 750. The act in the text was repealed by the Act of Assembly passed March 20, 1780, Chapter 902.

CHAPTER DCCLXI.

AN ACT TO PROHIBIT THE SALE OF GOODS, WARES AND MERCHANDISES BY PUBLIC VENDUE AND TO REGULATE PEDDLERS AND HAWKERS IN THIS STATE.

(Section I, P. L.) Whereas the practice of selling goods, wares and merchandises by public vendue, as tending to raise the price

of almost every necessary article, and to depreciate the current money of the continent and of this commonwealth within the same is found a great grievance to the good people thereof:

[Section I.] Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act no public vendue or auction of goods, wares and merchandises shall be held anywhere within this commonwealth by any person or persons whosoever.

[Section II] (Section II, P. L.) And be it further enacted, That if any person or persons shall, contrary to the directions of this act, expose to sale and sell, or cause others to expose and sell by public vendue or outcry any goods, wares and merchandises (except as hereinafter excepted), he, she or they so offending shall forfeit and pay for every such offense a sum of money equal to the value of the goods sold or exposed to sale, to be recovered by action of debt, bill, plaint or information by any person who will sue for the same, one-half thereof for the use of the person so suing and the other half thereof to be paid to the state treasurer for the use of this state.

[Section III] (Section III, P. L.) Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to hinder any sheriff, constable or other officer to sell and dispose of by way of vendue any goods, wares or merchandises taken in execution and liable to be sold by order of law or to hinder any person or persons from selling or exposing to sale by public vendue or otherwise any goods or chattels whatsoever taken and distrained for rent being in arrear, or to prohibit any lawful executor or executors, administrator or administrators, to expose to sale by public vendue or otherwise any goods or chattels which were of their respective testators or intestates, or persons about to remove from selling lands, tenements, live stock, farming utensils and household furniture, but all and every such person or persons may do herein as they might have done before the passing of this act.

[Section IV] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That from and after the publication of

this act no male white person capable of bearing arms shall for and notwithstanding any pass, license or protection by him obtained under any pretense whatsoever, be suffered to go about as a peddler or hawker in this commonwealth, and that any such person offending against the directions of this act shall upon due conviction thereof forfeit and pay the sum of fifty pounds for every offense to be recovered and applied in the same manner and to the same uses as fines incurred for selling by vendue are to be recovered and applied by virtue of this act.

[Section V] (Section V, P. L.) And be it further enacted by the authority aforesaid, That so much of an act of general assembly of this state passed the fourteenth of February, one thousand seven hundred and twenty-nine (thirty), entitled, "An act for regulating peddlers, vendues," etc.,¹ as relates to the regulating of peddlers and hawkers and is not altered or amended hereby shall remain in full force, and all and every part in the same act that relates to the regulating of vendues is hereby repealed.

Passed June 19, 1777. See the note to the Act of Assembly passed February 14, 1729-30, Chapter 308. The act in the text was repealed by the Act of Assembly passed November 26, 1779, Chapter 870.

CHAPTER DCCLXII.

AN ACT TO EMPOWER THE SUPREME EXECUTIVE COUNCIL OF THIS COMMONWEALTH TO PROVIDE FOR THE SECURITY THEREOF IN SPECIAL CASES WHERE NO PROVISION IS ALREADY MADE BY LAW.

Whereas the preservation of this state and all its members and of the army acting in support thereof at the time of an hostile invasion may require the immediate interposition of the supreme executive council when the judicial powers of the government cannot in the ordinary course of the law sufficiently provide for its security:

And whereas for this important purpose the supreme execu-

¹ Passed February 14, 1729-30, Chapter 308.

tive council of this commonwealth have lately at the recommendation of Congress taken up several persons who have refused to give to the state the common assurances of their fidelity and peaceable behavior as required by law, and it is apprehended that there are still more such persons among us, who cannot at this juncture be safely trusted with their freedom without giving proper security to the public:

[Section I] Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That it shall and may be lawful for the president or vice-president and the members of the supreme executive council of this state or any two of them either upon the recommendation of Congress or at the requisition of the commander in chief of the army or the commander of a division or corps in the same, or upon the information of any creditable subject of this or any other of the United States, to arrest any person or persons within this commonwealth who shall be suspected from any of his or her acts, writings, speeches, conversations, travels or other behavior, to be disaffected to the community of this or all or any of the United States of America, or to be a harbinger of the common enemy who is at our gates, or to give mediate or immediate intelligence and warning to their commanders by letters, messengers or tokens, or by discouraging people from taking up arms for the defense of their country, or spreading false news, or doing any other thing to subvert the good order and regulations that are or may be made and pursued for the safety of the country, and to seize and examine such papers in their possession as shall in any wise affect the public; and the same persons being arrested either to confine or remove to any distant place where it will be out of their power to disturb the peace and safety of the states; or to tender to them the oath or affirmation of allegiance and fidelity to this state, as directed by law; and upon their taking and subscribing the same to enlarge them or to demand and take such further and other security and assurances from them as the said president or vice-president and council or any two of them in their discretion shall think

proper, or as the particular circumstances of the case may require.

[Section II] And be it further enacted by the authority aforesaid, That the president, vice-president and other members of the supreme executive council of this commonwealth and all persons acting by their special command in the premises shall be and are hereby fully and absolutely indemnified and saved harmless of and from all process, suits and actions that shall or may be hereafter sued, commenced, prosecuted or brought against them or any or either of them for or in respect of any of their orders or proceedings heretofore issued and had upon the recommendation of Congress, or which they shall hereafter issue and have by virtue of this act; and that no judge or officer of the supreme court or any inferior court within this commonwealth shall issue or allow of any writ of habeas corpus or other remedial writ to obstruct the proceedings of the said executive council against suspected persons in this time of imminent danger of the state.

[Section III.] Provided always, and it is hereby further enacted by the authority aforesaid, That this act shall be in force to the end of the first sitting of the next general assembly of the commonwealth and no longer.

Passed September 6, 1777. See the note to the Ordinance of the First Constitutional Convention passed September 12, 1776, Chapter 733; and the Acts of Assembly passed October 13, 1777, Chapter 766; January 2, 1778, Chapter 775; September 10, 1778, Chapter 813; December 5, 1778, Chapter 822; March 31, 1779, Chapter 836; October 10, 1779, Chapter 865; November 27, 1779, Chapter 872; March 24, 1780, Chapter 906.

CHAPTER DCCLXIII.

AN ACT MAKING PROVISION FOR THE RELIEF OF OFFICERS, SOLDIERS, MARINES AND SEAMEN WHO IN THE COURSE OF THE PRESENT WAR, BEING IN THE SERVICE OF THE UNITED STATES OF AMERICA HAVE BEEN OR SHALL BE MAIMED OR OTHERWISE DISABLED FROM GETTING THEIR LIVELIHOOD AND SHALL BE RESIDENT IN OR BELONG TO THE STATE OF PENNSYLVANIA.

Whereas the delegates of the United States of America in Congress on the twenty-sixth day of August one thousand seven

hundred and seventy-six, on behalf of such commissioned and non-commissioned officers of the army and navy as also private soldiers, marines and seamen as in the course of the present war might lose a limb, or be otherwise so disabled as to prevent their serving in the army or navy, or getting their livelihood and might stand in need of relief, did enter into the following resolves, to-wit:

“That every commissioned officer, non-commissioned officer and private soldier who shall lose a limb in any engagement, or be so disabled in the service of the United States of America as to render him incapable afterwards of getting a livelihood, shall receive during his life, or the continuance of such disability the one-half of his monthly pay from and after the time that his pay as an officer or soldier ceases, to be paid by the committee as hereafter mentioned:

“That every commander of any ship-of-war or armed vessel, commissioned officer, warrant officer, marine or seaman belonging to the United States of America who shall lose a limb in any engagement in which no prize shall be taken, or be therein otherwise so disabled as to be rendered incapable of getting a livelihood, shall receive during his life, or the continuance of such disability the one-half of his monthly pay from and after the time that his pay as an officer, marine or seaman ceases, to be paid as hereafter mentioned; but in case a prize shall be taken at the time such loss of limb or other disability shall happen, then such sum as he may receive out of the net profits of such prize before a dividend is made of the same, agreeable to former orders of Congress, shall be considered as part of his half pay and computed accordingly.

“That every commissioned officer, non-commissioned officer and private soldier in the army, and every commander, commissioned officer, warrant officer, marine or seaman of any of the ships-of-war or armed vessels belonging to the United States of America who shall be wounded in any engagement so as to be rendered incapable of serving in the army or navy, though not totally disabled from getting a livelihood, shall receive such monthly sum towards his subsistence as shall be judged adequate by the assembly or other representative body of the state

where he belongs or resides upon application to them for that purpose, provided the same doth not exceed his half pay.

“That no commissioned officer, non-commissioned officer and private soldier in the army, commander, commissioned officer, warrant officer, marine or seaman of any of the ships of war or armed vessels belonging to the United States of America who shall be wounded or disabled as aforesaid shall be entitled to his half pay or other allowance unless he produce to the committee or officer appointed to receive the same in the state where he resides or belongs, or to the assembly or legislative body of such state, a certificate from the commanding officer who was in the same engagement in which he was so wounded, or in case of his death from some other officer in the same corps and the surgeon that attended him, or a certificate from the commander of the ship-of-war or armed vessel engaged in the action in which any officer, marine or seaman received his wound and from the surgeon who attended him, of the name of the person so wounded, his office, rank, department, regiment, company, ship-of-war or armed vessel to which he belonged, his office or rank therein, the nature of his wound, or in what action or engagement he received it.”

And the said delegates in Congress did at the same time recommend to the several assemblies or legislative bodies of the United States of America “to appoint some person or persons in their respective states who shall receive and examine all such certificates as may be presented to them and register the same in a book, and also what support is adjudged by the assembly or legislative body or their state to those whose case requires but a partial support, and also of the payment from time to time of every half pay and other allowance and of the death of such disabled person or ceasing of such allowance, and shall make a fair and regular report of the same quarterly to the secretary of Congress or board of war, where a separate record shall be kept of the same, and to cause payment to be made of all such half pay or other allowances as shall be adjudged due to the persons aforesaid on account of the United States.”

Therefore, as well in deference to the aforesaid recommendation of Congress as in justice and gratitude to such brave men

who already have or hereafter may step forth in the service of their country and in the same have been or may be so unfortunate as to come within the description of the said resolves and in order to provide for their relief:

[Section I] Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That upon the application of any officer of the army or navy, private soldier, marine or seaman, who in the course of the present war shall have lost a limb, or be otherwise so disabled as to prevent his serving in the army or navy, or getting his livelihood, made to any one of the justices of the peace in the several counties of this state for such relief as by the said resolve of Congress is provided for him, and shall produce to the said justice a certificate from the commanding officer in the same engagement, or of the ship of war or armed vessel in which he was so wounded, or in case of the death of the commander from some other officer in the same corps or ship, or from the surgeon that attended him, setting forth the name of the person so wounded, his office, rank, department, regiment, company, ship-of-war or armed vessel to which he belonged, the nature of his wound and in what action or engagement he received it, the said justice shall and he is hereby enjoined and required to call to his assistance two reputable freeholders of his neighborhood, with whom he shall inspect and carefully examine the certificate presented, the state and condition of the person so applying, and the same certificate being found genuine and made out in the order as by the said resolves it is directed to be made, the said justice and freeholders shall adjust and settle the monthly pay which the bearer of such certificate shall receive agreeable to the resolves, not exceeding the half pay and rations that such officer or private was entitled to at the time he received the wound, to commence from the time that his pay or subsistence in the army or navy ceased. And the said justice of the peace and freeholders shall indorse or affix to the said certificate an order under their hands and seals directed to the treasurer of the state tax in the county in which the said justice resides, requiring him to pay to the person so disabled as afore-

said the monthly pension allowed on his said certificate, and shall transmit the said original certificate and order to the recorder of the county to be registered in a book. And the said recorder shall make out a copy of the said certificate and order under the seal of his office and shall deliver the said copy to the person in the said certificate and order named.

Provided always, That upon the application of any officer or private of the marines and seamen the said justice and freeholders shall make inquiry whether at the time of the said officer or private's receiving his wound any prize was taken and what dividend the disabled person shall have received or is to receive, and shall administer to him an oath respecting such prize, so that a deduction of the amount thereof may be made out of his monthly pension, agreeable to the said resolves of Congress.

[Section II.] And be it further enacted by the authority aforesaid, That the treasurer of the state tax to whom such certificate under the seal aforesaid shall be produced and shown shall pay the bearer thereof such monthly pension as shall be allowed to him by the said justice and freeholders from the time that shall be fixed in the said order, and so from month to month during his disability and residence in the county, or until other order shall be made by the assembly with respect to such pensioner or pensioners. And the recorder shall at every quarter sessions of the respective counties have in court all the original certificates and orders by him filed and deliver the same to the treasurer who shall keep them as vouchers to his account with the committee of assembly, and shall within sixty days after the court transmit a fair and regular report to the secretary of Congress or board of war.

Provided, That all such pensioned officers, soldiers, marines and seamen that shall be found capable of doing duty in any department of the land or sea service shall be liable to be employed therein, and upon refusal thereof shall forfeit and lose the pension allowed to him or them.

[Section III.] Provided also, and it is hereby further enacted by the authority aforesaid, That no officer, soldier, marine or seaman who receives his pension in this state shall sell or assign or otherwise dispose of his certificate and order of monthly pay

or any part or number of monthly payments thereon to become due to him to any person or persons whatsoever for any consideration or price whatsoever, except it be for the maintaining such pensioner during life or as long as he shall receive that pension. And all contracts for maintaining during life or during the time the pension lasts shall be made in the presence of one justice of peace and of the overseers of the poor of the city, township or district respectively, and security given to their satisfaction. And that the person or persons who shall presume to make such purchase or take such assignment as aforesaid from any pensioner, except as in the case before excepted, being legally convicted thereof in any court of general quarter sessions of the peace of this state or in the supreme court of the same, shall forfeit and pay a sum equal to the sum which he has paid or contracted to be paid for such assignment of such pension to any person who will sue or prosecute for the same, and the pensioner who has contracted for the sale or assignment of his pension shall be admitted as an evidence to the indictment even in case he should become the prosecutor.

[Section IV.] And be it further enacted by the authority aforesaid, That the justice of the peace and the freeholders that shall examine the certificates and make the orders for the payment of the pensions shall receive the sum of seven shillings and six pence for every order, and the recorder for recording the same and making out a copy thereof under seal the sum of two shillings and six pence for each copy, which shall be settled and allowed at every court of quarter sessions and paid by the said treasurer at the charge of the United States.

Passed September 18, 1777. See the Act of Assembly passed January 31, 1783, Chapter 1002. The act in the text was repealed by the Act of Assembly passed September 22, 1785, Chapter 1194.

CHAPTER DCCLXIV.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO ENABLE A SMALLER NUMBER OF THE MEMBERS OF ASSEMBLY THAN A QUORUM TO COLLECT THE ABSENT MEMBERS, AND ISSUE WRITS FOR FILLING VACANCIES OCCASIONED BY NEGLIGENCE OR REFUSAL."¹

Whereas by an act of general assembly of this commonwealth, entitled "An act to enable a smaller number of members of assembly than a quorum to collect the absent members, and issue writs for filling vacancies occasioned by neglect or refusal," it is provided that the speaker and a smaller number of members than a quorum are authorized and empowered to send for and collect the absent members, and also to issue writs for the electing of members to supply the vacancies of such members who do neglect or refuse to attend. But as there is no provision made by the said recited act to enable a smaller number of members than a quorum when met to issue writs for the holding of elections in the city of Philadelphia or such counties as shall have neglected or refused to elect the same:

And whereas the present invasion and various movements of the enemy may render it impracticable for some parts of this state to elect representatives and other elective officers at the times and places appointed by law, by which means a quorum agreeable to the constitution may happen not to be elected, and consequently the public business delayed, to the great injury of this commonwealth:

For remedy whereof:

[Section I] Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, [That] it shall and may be lawful for such of the members of assembly, though less in number than a quorum, who shall meet on the day fixed by the constitution of this state or a majority of them to issue a writ [or writs] to the sheriff, coroner

¹ Passed January 21, 1777. Chapter 736.

or any other person whom they shall appoint in the said city or counties respectively which shall so have neglected or refused, commanding the said sheriff, coroner or other person to whom the said writ or writs shall be directed to hold an election at certain times and places in the said writ or writs mentioned which said places shall be somewhere within the same county for which such election or elections shall be so held. And if it shall happen that a new election shall be ordered to be held for the city of Philadelphia and the same city shall be in the possession of the enemy, then the said election shall be appointed at some place within the county of Philadelphia, and the said representatives and other elective officers chosen at the said times and places shall be deemed and taken as the true and lawful representatives and other elective officers of the city or counties for which they shall be so respectively chosen or elected.

Passed October 11, 1777. See the note to the Act of Assembly passed January 21, 1777, Chapter 736.

CHAPTER DCCLXV.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT OBLIGING THE MALE WHITE INHABITANTS OF THIS STATE TO GIVE ASSURANCES OF ALLEGIANCE TO THE SAME AND FOR OTHER PURPOSES THEREIN MENTIONED."¹

Whereas by an act entitled "An act obliging the male white inhabitants of this state to give assurances of allegiance to the same and for other purposes therein mentioned,"¹ it is enacted that all the male white inhabitants of this state above the age of eighteen years should take and subscribe the oath of affirmation therein directed:

And whereas it is nevertheless found upon experience that the said act does not fully answer all the good purposes by the same act intended:

¹ Passed June 13, 1777, Chapter 756.

Therefore:

[Section I] Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the fifteenth day of this instant October every male white inhabitant of this state above the age of sixteen years who shall travel out of the city of Philadelphia or the respective county in which he commonly resides shall, upon information made upon oath or affirmation of one credible witness before any one justice of the peace of this state, be forthwith apprehended, and upon his refusal to take and subscribe the oath or affirmation of allegiance required by the said recited act, and also to give such further security of his allegiance as the said justice may require, shall be committed to any safe gaol of this state (at the discretion of the said justice), there to be kept without bail or mainprise until he take the oath or affirmation and give such further security as aforesaid.

[Section II] And be it further enacted by the authority aforesaid, That every male white inhabitant above the said age of sixteen years who may be suspected of being unfriendly to the freedom and independence of the United States, though such persons do not travel out of the city or county where they commonly reside, shall upon information on oath or affirmation of one or more witnesses to any justice of the peace within this state be forthwith under warrant brought before some one of the justices aforesaid, who shall tender to him or them the oath or affirmation aforesaid and demand such further or other security as to him shall seem reasonable, and upon refusal to take the oath or affirmation and give such security such person or persons shall be forthwith committed to any safe gaol of this state (at the discretion of the justice), there to remain without bail or mainprise until he or they take the oath or affirmation and give the security aforesaid and all reasonable costs accruing (of which the said justice shall be judge) shall be levied and recovered upon the goods and chattels of such suspected person in the same manner as debts under forty shillings are by law of this state directed to be recovered.

[Section III] Provided always nevertheless, That no person

or persons shall be admitted as security for such suspected person or persons unless he or they first produce a certificate of his or their having taken the oath or affirmation required by the said act to which this is a supplement anything in this act or in the act to which this is a supplement contained to the contrary thereof in any wise notwithstanding.

Passed October 12, 1777. See the note to the Act of Assembly passed June 13, 1777, Chapter 756. The act in the text was repealed by the Act of Assembly passed March 13, 1789, Chapter 1396.

CHAPTER DCCLXVI.

AN ACT FOR CONSTITUTING A COUNCIL OF SAFETY AND VESTING THE SAME WITH THE POWERS THEREIN MENTIONED.

Whereas the British troops have penetrated into this state, and after much devastation and great cruelty in their progress have seized the metropolis:

And whereas in times of such danger and confusion the ordinary powers of government cannot be regularly administered, more especially as the term for which the present legislative body of the commonwealth have been chosen will speedily expire whereby evil-minded persons may be encouraged by open or secret practices to assist the common enemy and further to distress the good people of this commonwealth; for prevention whereof it hath become necessary for a limited time to vest fit persons with summary and adequate powers to punish offenders and restrain abuses:

[Section I] Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the members of the supreme executive council of this state together with John Bayard, Jonathan Sergeant, Jonathan B. Smith, David Rittenhouse, Joseph Gardner, Robert Whitehill, Christopher Marshall, James Smith, of Yorktown, Jacob Orndt, Curtis Grubb, James Cannon and William Henry,

of Lancaster, Esquires, be constituted and they are hereby constituted a council of safety, with full power to promote and provide for the preservation of the commonwealth by such regulations and ordinances as to them shall seem necessary, and to proceed against, seize, detain, imprison, punish, either capitally or otherwise as the case may require, in a summary mode either by themselves or others by them to be appointed for that purpose, all persons who shall disobey or transgress the same or the laws of this state heretofore made for the purpose of restraining or punishing traitors or others who from their general conduct or conversation may be deemed inimical to the common cause of liberty and the United States of North America.

And the said council of safety are hereby authorized and empowered by the authority aforesaid to take and seize where it may be needful provisions and other necessities for the army or the inhabitants, and to appraise and value the same so taken, and for this end to appoint proper persons under them to take, seize and appraise as aforesaid. And the said council of safety shall in general regulate the prices of such articles as they may think necessary and compel a sale thereof where they shall be wanted, with full power also to call to their aid all officers and other persons, civil or military, in the execution of the premises.

[Section II] And be it further enacted by the authority aforesaid, That the president or vice-president of the executive council [and any six of the said members of the said council] of safety shall be a quorum to do business.

Provided always, That the exercise of the ordinary course of justice in the trial and punishment of offenders shall proceed and take its effects, and that original writs and process in the law for debts and demands may be issued and carried on notwithstanding this act or anything therein contained; and that all other civil and lawful business and actings be done and performed in the manner practiced at the time of passing this act as far as the present condition of the state will admit, so as that the exercise of the authority and jurisdiction hereby given and granted to the said council of safety or the authority given to the supreme executive council by an act of general assembly passed this present year, entitled "An act to empower the su-

preme executive council of this commonwealth to provide for the security thereof in special cases where no provision is already made by law,"¹ be not obstructed or questioned.

[Section III.] And be it further enacted by the authority aforesaid, That the members of the said executive council and the said John Bayard, Jonathan Sergeant, Jonathan B. Smith, David Rittenhouse, Joseph Gardner, Robert Whitehill, Christopher Marshall, James Smith, of Yorktown, Jacob Orndt, Curtis Grubb, James Cannon and William Henry, of Lancaster, or any other person acting under their authority in the premises or any of them, shall not at any time hereafter be liable to any suit, action or prosecution for anything done in pursuance of this act or the powers hereby given and granted, but that they and each of them shall be collectively and severally indemnified, saved harmless and discharged of the same and that all such suits, actions and prosecutions shall be barred, abated and discontinued by the court before whom the proceedings shall be brought.

[Section IV] And be it further enacted by the authority aforesaid, That the supreme executive council of this state may at any time during the continuance of the powers and authorities hereby granted by proclamation or other public act renounce, determine and extinguish the same and every part thereof, and that thereupon the said powers and every of them shall cease and become void and be no longer exercised or enforced.

Provided lastly, That the powers hereby given and intrusted to the said council of safety shall continue and remain in force (unless otherwise sooner determined) to the end of the next sitting of general assembly and no longer.

Passed October 13, 1777. See the Acts of Assembly passed August 31, 1778, Chapter 804; September 2, 1778, Chapter 806; December 5, 1778; Chapter 824; March 31, 1779; Chapter 835; March 1, 1780, Chapter 882. Expired.

¹ Passed September 16, 1777, Chapter 762.

CHAPTER DCCLXVII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR EMITTING THE SUM OF TWO HUNDRED THOUSAND POUNDS IN BILLS OF CREDIT FOR THE DEFENSE OF THIS STATE, AND PROVIDING A FUND FOR SINKING THE SAME BY A TAX ON ALL ESTATES, REAL AND PERSONAL AND ON ALL TAXABLES WITHIN THE SAME."¹

Whereas by an act of general assembly of this commonwealth, entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the defense of this state, and providing a fund for sinking the same by a tax on all estates real and personal and on all taxables within the same," it is enacted that there shall be levied on all estates real and personal within this commonwealth, of all and every person and persons the sum of one shilling and six pence for every pound clear yearly value of the said estates, as the said yearly value of the rents ariseth out of the premises, or otherwise be estimated by the assessors according to their best discretion and judgment, having respect to the quantity and value of the unimproved parts of the same, as also upon all located, unimproved land or tracts of land to be assessed and rated in the manner therein mentioned, to be paid by the owners or possessors in the manner therein directed. And that every single freeman whether residing with his parents or elsewhere, who at the time of assessment should be of the age of twenty-one years or out of his apprenticeship or servitude for the space of six months, should pay the sum of ten shillings except such as should be actually enlisted in the service of this or the United States of America as soldiers during the time for which any part of the tax should be levied:

And whereas from the large sums in bills of credit now circulating in this state, as well as the enormous price of every necessary of life occasioned in part thereby, it becomes absolutely necessary to enlarge the rate of one shilling and six pence in the

¹ Passed March 20, 1777, Chapter 752.

pound as well as the wages of the several officers employed in levying the same:

[Section I.] Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That instead of the sum of one shilling and six pence in the pound to be assessed and levied by the aforementioned act there shall be assessed and levied the sum of five shillings in the pound clear yearly value, and that every single freeman, whether residing with his parents or elsewhere, who at the time of the assessment shall be of the age of twenty-one years or hath been out of his apprenticeship or servitude for the space of six months, instead of the sum of ten shillings shall pay the sum of thirty shillings, except such as shall be actually enlisted in the service of this or the United States of America as soldiers during the time for which any part of the tax shall be levied in the same manner as the money given and granted to the use of the King of Great Britain in and by the act of general assembly of the province of Pennsylvania, passed the thirtieth day of May in the year of our Lord one thousand seven hundred and sixty-four entitled "An act for granting to His Majesty the sum of fifty-five thousand pounds and for striking the same in bills of credit in the manner hereinafter directed, and for providing a fund for sinking the said bills of credit by a tax on all estates real and personal and taxables within this province,"¹ is directed, and every article, clause and thing therein contained concerning the assessing, levying, collecting and sinking the taxes therein mentioned and the duties and penalties of the several officers enjoined them by the said act except only such articles, clauses and things as are declared to be repealed by a certain other act of assembly entitled a supplement to the said act, passed the twentieth day of September in the year of our Lord one thousand seven hundred and sixty-six,² and also excepting such other articles, clauses and things as are repealed, altered or amended by another act of general assembly entitled "An act to amend the act for granting to His Majesty the sum of

¹ Passed May 30, 1764, Chapter 513.

² Passed September 20, 1766, Chapter 547.

fifty-five thousand pounds and for striking the same in bills of credit in the manner hereinafter directed and for providing a fund for sinking the said bills of credit by a tax on all estates real and personal and taxables within this province,"¹ which said supplement and amendment is hereby declared to be in full force for sinking of the said two hundred thousand pounds and also the bills of credit emitted by virtue of the resolves of the late assemblies of Pennsylvania, excepting such parts thereof as are herein altered or amended.

[Section II] And be it further enacted by the authority aforesaid, That the commissioners and assessors of the city of Philadelphia and of the respective counties of this state instead of the oaths or affirmations heretofore directed to be taken shall take and subscribe the following oaths and affirmations, viz.:

The oath or affirmation of the assessors:

"You shall well, faithfully and diligently inquire of the persons who shall make returns of property upon their several and respective oaths and affirmations of and concerning the quantities, amount and value of every kind of real and personal property and of and concerning the number of single freemen within their respective limits by putting such questions to them respectively as you shall think most proper to obtain a just and perfect discovery thereof, and that you will upon the returns made to you by the said persons and upon the inquiries and discoveries so made by yourself and your brethren, the other county assessors, as well as what you shall know of your own knowledge, justly and equally assess and lay the rates and sums of money by this act directed to be raised on all and every of the several kinds of real and personal property and single men in the same form and manner as are by this act and the others in this act referred to directed according to the best of your skill and judgment, and in laying the said rates you shall spare no person for favor or affection nor grieve any for hatred or ill-will."

The oath or affirmation of the commissioners:

"You shall well and truly cause the rates and sums of money by virtue of this act and the act to which this is a supplement imposed to be duly and equally assessed and laid according to the rules and directions of this act and the clauses in the several acts in this act revised and put in force according to the best of

¹ Passed January 22, 1774, Chapter 692.

your skill and knowledge so far as relates to the duty and office of a commissioner and herein you shall spare no person for favor or affection or grieve any for hatred or ill-will."

[Section III] And be it further enacted by the authority aforesaid, That if the freemen of any township, borough, ward or district within this state shall have neglected to choose assessors at the time by law directed then it shall and may be lawful for the commissioners of the city and the counties respectively or any two of them to appoint a suitable person for every township, borough, ward or district so having neglected or refused which person so appointed shall have the same power and shall be subject to the same fines and penalties as if he had been elected by the freemen of the township, borough, ward or district respectively.

[Section IV] And be it further enacted by the authority aforesaid, That the commissioners for the city of Philadelphia and the commissioners for the respective counties in this state shall each of them have the sum of fifteen shillings per diem for their service, and that the county and township assessors shall have fifteen shillings per diem for their service, and that the collectors shall have six pence in the pound for collecting.

And whereas from the movements of the enemy it became necessary to move the press engaged to print the bills of credit emitted by the act to which this is a supplement before all the said bills were printed and many of the signers and numberers appointed in the said act are now driven from their several habitations:

[Section V.] Be it therefore enacted by the authority aforesaid, That Joseph Parker and Michael Shubart, Esquires, be and they are hereby appointed and authorized to sign and number the aforesaid bills of credit or any of them in the same manner and under the same oaths or affirmations as the signers are directed in the aforesaid act, and the bills by them signed as aforesaid shall be as good and valid in law [to] all intents and purposes as if their names had been expressly mentioned in the said act.

[Section VI] And be it further enacted by the authority aforesaid, That so much of the act to which this is a supplement as

relates to the rate and the fees of the several officers to be employed in the assessing, levying and collecting the same and is hereby altered and supplied is repealed to all intents and purposes, anything herein contained to the contrary in any wise notwithstanding.

[Section VII.] And be it further enacted by the authority aforesaid, That this act shall continue in force until the first day of October next and no longer.

Passed October 13, 1777. See the notes to the Acts of Assembly passed March 5, 1725-26, Chapter 289; March 20, 1777, Chapter 752; December 5, 1778, Chapter 823.

CHAPTER DCCLXVIII.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR EMITTING THE SUM OF TWO HUNDRED THOUSAND POUNDS IN BILLS OF CREDIT FOR THE DEFENSE OF THIS STATE, AND PROVIDING A FUND FOR SINKING THE SAME BY A TAX ON ALL ESTATES REAL AND PERSONAL AND ON ALL TAXABLES WITHIN THE SAME."

(Section I, P. L.) Whereas by an act of general assembly of this commonwealth, entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the defense of this state, and providing a fund for sinking the same by a tax on all estates real and personal and on all taxables within the same," it is enacted that bills of credit to the said value of two hundred thousand pounds shall be prepared and printed within three months next after the publication of the said act under the care and direction of John Bayard, Robert Knox, Joseph Parker and Michael Shubart, Esquires, in the manner by the said act directed:

And whereas by the hostile invasion of the state the business aforesaid has been so hindered that the same could not be completed in the time aforementioned, and the aforesaid Joseph Parker is deceased, and the said John Bayard and Robert Knox cannot constantly attend the business aforesaid:

¹ Passed March 20, 1777, Chapter 752.

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That William Thorn together with the said Michael Shubart be and they are hereby nominated and appointed to do and perform every act and thing directed by the said act to which this is a supplement, to be performed or done by the aforesaid John Bayard, Robert Knox, Joseph Parker and Michael Shubart for the completing so much of the said bills of credit as remains undone in as ample a manner as if the said William Thorn had been appointed in and by the said act.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the bills of credit which have been or shall be printed, numbered, signed and perfected agreeable to this act and to the act to which this is a supplement shall pass current within this state, and shall be as good and valid as if the same had been prepared, printed, numbered, signed and perfected within three months next after the publication of the act to which this act is a supplement. And all persons who shall counterfeit, alter or knowingly utter any counterfeited or altered bills in the similitude of the true bills issued by virtue of this act shall be liable to the same punishments and penalties respectively as by the said recited act are directed to be inflicted.

Passed December 10, 1777. See the notes to the Acts of Assembly passed March 5, 1725-26, Chapter 289; March 20, 1777, Chapter 752.

CHAPTER DCCLXIX.

AN ACT TO EMPOWER THE JUSTICES OF PHILADELPHIA AND CHESTER COUNTIES TO HOLD COURTS AT OTHER PLACES THAN USUAL.¹

(Section I, P. L.) Whereas the invasion of this commonwealth by the enemy hath rendered it impracticable to hold the county

¹ The original roll of this act is missing; and therefore it has been compared with the copy in the Act Books.

courts of common pleas and general quarter sessions of the peace and gaol delivery in and for the counties of Philadelphia and Chester [at] the places directed by law:

[Section I] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the justices and judges of the courts of common pleas and general quarter sessions of the peace and gaol delivery in and for the counties of Philadelphia and Chester respectively shall be and they are hereby authorized and empowered to hold the same courts respectively at the times appointed by law, and in such places as to the same justices and judges respectively or any three of them may appear to be right and necessary, giving public notice of the said place ten days at least before the said court.

(Section III, P. L.) And whereas the places where the common gaols of the said counties of Philadelphia and Chester are situated are now in the possession of the enemy:

[Section II] Be it enacted by the authority aforesaid, That it shall and may be lawful for the respective sheriffs, coroners, justices of the peace and other peace officers of the said counties to imprison and detain in such places as they may respectively appoint such persons as would in the usual course of justice have been confined in the said common gaols, and in case when the party committed shall be charged with felony or any capital offense he may be sent to and confined in the gaol of the adjacent counties.

Passed December 20, 1777. Repealed by the Act of Assembly passed August 19, 1778, Chapter 801.

as shall be necessary to prosecute with vigor the measures that they may adopt in consequence of the resolves of Congress:

(Section II, P. L.) For furthering the important and necessary designs aforesaid:

[Section I] Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the lieutenants and sub-lieutenants, or a majority of them, of the counties of Bedford and Westmoreland in this state shall and they are hereby authorized, empowered and enjoined, upon application to them made by the commissioners appointed or to be appointed by Congress (provided always [that] the said commissioners who may hereafter be appointed by Congress be approved of by the general assembly of this state, or by the president and council thereof in the recess of assembly), to take the most speedy and effectual measures for raising and embodying, whether by classes or otherwise, such parts of the militia of their countries respectively as shall from time to time be deemed necessary and be required by the said commissioners either for the protection of their respective frontiers or for the reduction of any British or Indian town or post, which corps shall be paid, subsisted and provided as continental troops and be detained in service no longer than two months at any one time, unless their service for a further space of time be judged necessary for carrying on an expedition against such town or post, in which case such additional time of service shall be settled and agreed upon with the troops when they are engaged for such expedition.

(Section III, P. L.) Provided always, That those of the militia engaged for two months shall not be again called into service before the remaining militia of their respective counties shall have performed service for an equal space of time and those who shall have been employed for a longer term on any expedition into the Indian country or against any British post shall be exempted from the service for two succeeding tours of duty in the militia, or for a space of time equal to the time in which they shall be employed in such expedition.

[Section II] (Section IV, P. L.) And be it further enacted by

the authority aforesaid, That the commissioners aforesaid be empowered and they are hereby empowered to call on the lieutenants of the counties of Bedford and Westmoreland respectively for such quotas of their respective militias as they the said commissioners shall deem necessary for the defense and protection of their respective frontiers; and the said lieutenants respectively are hereby required and enjoined to furnish with all possible dispatch the militia that may from time to time be required by the said commissioners for the purposes aforesaid.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the commissioners aforesaid are hereby authorized and empowered to arrest the persons and seize the papers, letters and other writings belonging to or found in the possession of any of the inhabitants of the counties aforesaid within this state who have been or shall be in any wise concerned in any plot, conspiracy or combination against the United States, and if after examination they shall see cause to commit such persons to any gaol or place of safe custody within this state or elsewhere in order to their trial for the offenses wherewith they shall be charged.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That this act shall be and continue in force until the end of the first session of the next general assembly unless sooner repealed and no longer.

Passed December 20, 1777. See the Acts of Assembly passed December 22, 1781, Chapter 956; August 11, 1784, Chapter 1104; September 6, 1785, Chapter 1171; November 10, 1787, Chapter 1326; March 17, 1791, Chapter 1535; January 20, 1792, Chapter 1602; April 3, 1793; Chapter 1668; February 28, 1794, Chapter 1715; September 3, 1794, Chapter 1787; April 1, 1795, Chapter 1821.

CHAPTER DCCLXXI.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR EMITTING THE SUM OF ONE HUNDRED AND FIFTY THOUSAND POUNDS IN BILLS OF CREDIT ON LOAN AND PROVIDING A FUND FOR THE PAYMENT OF PUBLIC DEBTS." ¹

(Section I, P. L.) Whereas, by an act of the general assembly of Pennsylvania made and passed the twenty-sixth day of February in the year of our Lord one thousand seven hundred and seventy-three, the sum of one hundred and fifty thousand pounds was ordered to be struck in bills of credit under the care and direction of the trustees of the loan office therein appointed, the said bills to be emitted on loan by the said trustees in the manner also directed by the said act of assembly:

And whereas by the said act it was provided that if the said trustees or any of them should neglect or refuse to act as trustees or should happen to die or be removed some other fit person or persons should be appointed by the legislature in the place or places of such trustee or trustees:

And whereas all the said trustees have either neglected or refused to act further in the premises, and the business to them assigned in and by the said act of assembly not being yet completed, divers large sums of money being either due and outstanding or remaining in the hands of the said trustees not lent, or which may have been collected and not yet disposed of:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That Thomas Barclay, John Thorne and John Agnew, Esquires, shall be and they are hereby appointed trustees of the said general loan office of the state of Pennsylvania in the room and stead of Samuel Preston Moore, Amos Strettel, Abraham Chapman, Humphrey Marshal and Moses Brinton, Esquires, the trustees in and by the said act

¹ Passed February 26, 1773, Chapter 673.

of assembly appointed, and in the place and stead of every of them. And that each and every of the said trustees herein appointed and their successors and every of them before he shall enter upon the execution of his trust or any part thereof shall give and duly execute a bond to the president of this commonwealth for the time being and his successors with three sufficient sureties such as he shall approve of, in the sum of ten thousand pounds, conditioned for the faithful execution of the trust and performance of all and every the acts, matters and things enjoined and required of him in and by this and the said act to which this is a supplement; and shall also take an oath or affirmation before some justice of the peace in the words following, viz.:

"I,, will, to the best of my skill and knowledge, faithfully, impartially and truly perform and discharge the trust required of me by an act of the general assembly of the Commonwealth of Pennsylvania, entitled "A supplement to the act, entitled 'An act for emitting the sum of one hundred and fifty thousand pounds in bills of credit on loan and providing a fund for payment of public debts.'"¹

Which oath or affirmation so to be taken by the said trustees shall be endorsed on their respective bonds; and the said bonds with the endorsements aforesaid shall be delivered to the recorder of deeds for the county of Lancaster; and these bonds or any of them in case the same shall be forfeited shall be sued and prosecuted and the penalties thereof recovered in the name of the said president or his successors for the use of this commonwealth.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the person or persons to whom any of the moneys emitted by virtue of the said act of assembly have been lent and who shall be desirous to pay [off] the same shall and may apply to the trustees hereinbefore appointed or either of them at any time during the month of February which will be in the year of our Lord one thousand seven hundred and seventy-eight and upon the first Monday and five following days in the months of April, June, August, October, December and

¹ Passed December 14, 1774, Chapter 700.

February in every year during the continuance of the act before recited to which this is a supplement and the trustees aforesaid respectively are hereby required to attend at such place as they shall appoint and of which they shall give public notice in order to receive the said moneys and shall give receipts and discharges agreeable to the tenor and directions of the said recited act of assembly.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the trustees in and by this act appointed shall have power and authority to prosecute and proceed for default of payment against all and every the persons to whom the said moneys or any part thereof have been lent in like manner and to the same effect as in [and] by the said before recited act is enjoined and directed to the trustees in and by the said act appointed, and all other the powers and authorities which to the former trustees or any of them in and by the said recited act of assembly was committed or entrusted.

(Section V, P. L.) And whereas the scarcity of money, for the remedy whereof the said before recited act of assembly was made, has now in a great measure ceased:

[Section IV.] Be it therefore enacted by the authority aforesaid, That the said trustees shall hold and keep safely all the moneys by them received without lending or otherwise disposing of the same or any part thereof until the future order of this or any future general assembly of this state shall be made therein.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said trustees herein appointed shall receive as a compensation for their services and duties herein enjoined the sum of five hundred pounds for one year, to be computed from the day of enacting this law.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That in case of the death, refusal or removal of either or any or all of the said trustees it shall and may be lawful for the general assembly for the time [being] by their resolve to be entered on their minutes to nominate and appoint others in their stead and room.

[Section VII] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That everything in the said before

recited act contained which is not consistent with this present act from henceforth shall be and hereby is repealed and made void.

Passed December 23, 1777. See the note to the Act of Assembly passed March 15, 1725-26, Chapter 289.

CHAPTER DCCLXXII.

A SUPPLEMENT TO SEVERAL ACTS OF GENERAL ASSEMBLY DIRECTING THE MODE OF APPOINTING AND FINING THE SEVERAL OFFICERS HEREIN MENTIONED.¹

(Section I, P. L.) Whereas great difficulties are found to arise in the administration of justice and other public business through the omission and neglect of constables, jurymen, overseers of the poor and supervisors of the highways to perform the duties enjoined upon them by law; the fines for such omissions and neglects being found inadequate:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all and every person or persons who have been or shall be legally appointed to the same office of constable in any city, borough, township, ward or district within this commonwealth, and who, being so appointed and thereof duly notified according to law, shall neglect or refuse to take upon himself the execution of the said office of constable, or shall neglect or refuse to execute and perform all or any of the duties and services to the said office belonging or which by law may be enjoined upon them to execute and perform and shall thereof be legally convicted, shall for each and every such offense be fined in any sum not exceeding fifty pounds at the discretion of the court, to be paid into the public treasury for the use of this commonwealth.

¹ See act of May 22, 1722, Chapter 255.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all persons, freemen within this commonwealth, being legally summoned to serve upon any jury or any inquest, who shall neglect or omit to give their attendance and perform the duties enjoined upon them according to law, shall be fined at the discretion of the court in which they were so summoned to attend in a summary way in any sum not exceeding ten pounds unless such delinquent shall at the same or the next succeeding court render to the judges or justices thereof a reasonable excuse for such neglect or omission, the same fines to be levied and paid to the treasurer of the county for the use of the county.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all and every person or persons who have been or shall be legally appointed to the office of overseer of the poor or supervisor of the highway[s], and who, being so appointed and thereof duly notified according to law, shall neglect or refuse to take upon him or themselves the execution of their said offices respectively or shall neglect or refuse to execute and perform all or any of the duties and services to their said offices respectively belonging, shall for each and every such offense respectively forfeit and pay any sum not exceeding twenty pounds the same forfeiture and fines to be levied and paid to the treasurer of the county for the use of the county.

[Section IV.] (Section V, P. L.) And be it enacted by the authority aforesaid, That so much of the several acts of assembly to which this act is a supplement as are herein supplied, altered or amended shall be and is hereby repealed and made void, and that this act shall be and continue in force for and during the term of two years next after the publication hereof and from thence to the end of the next sitting of the general assembly and no longer.

Passed December 26, 1777. See the Act of Assembly passed March 16, 1779, Chapter 828.

CHAPTER DCCLXXIII.

AN ACT FOR MAKING MORE EQUAL THE BURDEN OF THE PUBLIC DEFENSE AND FOR FILLING THE QUOTA OF TROOPS TO BE RAISED IN THIS STATE.

(Section I, P. L.) Whereas it is just and reasonable that the burden of the public defense should be as equal as possible upon every inhabitant of this state:

And whereas there are numbers of persons who by reason of age and other incapacities do not yield personal service under the militia law:

And whereas all such persons ought of right to pay an equivalent for defense of their property:

Therefore:

[Section I] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That there shall be assessed, levied and collected annually upon all the estates real and personal of every person not subject to nor performing military duty by the militia law of this state (except as hereafter excepted) an additional sum equal to what such person shall be charged in the state tax in the manner hereinafter directed.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the board of commissioners and assessors for the city of Philadelphia and each county in this state respectively are hereby empowered, required and enjoined to demand yearly and every year from the lieutenant of the city and each county in the state respectively a copy certified under his hand and seal of the names and surnames of all the persons enrolled in the militia within the city and each county respectively marking on the said lists such as have been excused by him, which certified copies the said lieutenants are required to furnish within ten days after demand under the penalty of fifty

pounds and the said commissioners and assessors when possessed of the aforesaid lists or copies are required to annex the additional tax aforesaid to the names of each of the persons found in the returns of borough, township, ward or district assessors and not enrolled in the militia rolls, either in a separate column in the state tax duplicate or a duplicate for that particular purpose, which duplicates the commissioners are required to deliver to the several collectors for the state tax with a warrant annexed empowering them to levy and collect (an opportunity of an appeal being first allowed) the said additional tax, and requiring them to pay the same into the hands of the county treasurer for the state taxes at the same time appointed for the payment of the state taxes, and the said commissioners, assessors and collectors are to be paid at the same rates and in the same manner as they are paid for their other services, subject to the same fines and forfeitures respectively for neglect of duty as they are by law subject to for neglects in the state taxes; and the said additional taxes shall be paid over by the respective county treasurers to the state treasurer at the same time the state taxes are by law directed to be paid.

[Section III.] (Section IV, P. L.) Provided nevertheless and it is further enacted by the authority aforesaid, That delegates in Congress, members of the supreme executive council, members of assembly, justices of the supreme court, masters and faculty of colleges, ministers of the gospel and clergy of every denomination, parents having a son or sons unmarried living in their families subject to or performing militia duties or that may have had such son or sons killed or captivated in the defense of this state or any of the United States, widows whose husbands have been or shall be killed or captivated in the service of this state or any of the United States, minors who may have had their fathers killed or captivated in the service of this or any of these United States, masters or mistresses having an apprentice or apprentices subject to performing militia duties, are declared not to be within the intention or meaning of this act.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That those of the good inhabitants of this state who are above the age of fifty-three years and have

served any tour of duty in the militia either in person or by substitute or have paid for such substitute shall be excused from the payment of the said additional tax for one year for each of the said tours.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any two of the persons made subject by this act to pay the aforesaid additional tax shall or may have procured one able-bodied recruit to enlist into any one of the continental regiments belonging to the quota of this state for three years or during the war, they shall be discharged and released from the said additional tax during the term of the said enlistment.

Passed December 26, 1777. See the note to the Ordinance of the First Constitutional Convention passed September 14, 1776, Chapter 735; and the Acts of Assembly passed November 27, 1779, Chapter 872; December 23, 1780, Chapter 926; June 25, 1781, Chapter 946; September 29, 1781, Chapter 951; August 11, 1784, Chapter 1104; September 6, 1785, Chapter 1171; November 10, 1787, Chapter 1326.

CHAPTER DCCLXXIV.

AN ACT TO REGULATE THE WAGES OF THE REPRESENTATIVES OF THE FREEMEN IN ASSEMBLY.

(Section I, P. L.) Whereas the provision made by the former laws of this state for the expenses of the members of assembly is now by reason of the high and extravagant prices of the necessities of life become so far inadequate to their expenses while attending on the public business that they must serve the public to the prejudice of their private estates if some remedy be not provided:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the members of the general assembly of this commonwealth shall have and receive for each and every day which they have attended or shall attend the

said general assembly the sum of twenty-five shillings, and shall have and receive the sum of ten pence for every mile they have traveled or shall travel to and from their respective places of residence in going to or returning from the assembly once in each [sitting or] session; and the speaker of the said general assembly shall have and receive for each and every day of his attendance the sum of thirty shillings and the same mileage as the other members, which said moneys shall be paid out of the state treasury.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That so much of any former acts of assembly as is by this act altered or amended shall be and is hereby repealed and made void.

Passed December 27, 1777. See the note to the Act of Assembly passed January 12, 1705-6, Chapter 137; and the Acts of Assembly passed December 27, 1781, Chapter 957; (repealing the act in the text;) September 17, 1785, Chapter 1185; (the Constitution of 1790, Article I, Section XVII;) April 13, 1791, Chapter 1574; April 8, 1793, Chapter 1676; February 7, 1814, P. L. 48; January 18, 1821, P. L. 7; (the Constitution of 1838, Article I, Section XVII;) April 17, 1843, P. L. 324; (The Resolution of Assembly passed) February 19, 1844, P. L. 598; May 10, 1850, P. L. 730; May 7, 1855, P. L. 495; May 18, 1857, P. L. 559; April 21, 1858, P. L. 375; March 22, 1865; P. L. 8; April 11, 1866, P. L. 67; April 11, 1867, P. L. 1; April 11, 1868, P. L. 15; April 16, 1869, P. L. 33; April 6, 1870, P. L. 17; May 27, 1871, P. L. 209; April 9, 1872, P. L. 3; (the Constitution of 1874, Article II, Section 8); May 11, 1874, P. L. 129.

CHAPTER DCCLXXV.

AN ACT TO CONTINUE IN FORCE AN ACT OF GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, ENTITLED "AN ACT TO EMPOWER THE SUPREME EXECUTIVE COUNCIL OF THIS COMMONWEALTH TO PROVIDE FOR THE SECURITY THEREOF IN SPECIAL CASES WHERE NO PROVISION IS ALREADY MADE BY LAW."¹

(Section I, P. L.) Whereas the act of assembly of this commonwealth of Pennsylvania, entitled "An act to empower the supreme executive council of this commonwealth to provide for

¹ Passed September 16, 1777, Chapter 762.

the security thereof in special cases where no provision is already made by law,"¹ will expire by the limitation therein contained at the end of this present sitting of the general assembly:

And whereas the same necessity which induced the late general assembly to enact the said law (unhappily for this state) still subsists:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted, by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said aforementioned act of assembly and all the clauses, matters and things therein contained, comprised or mentioned (except only the last clause, paragraph or proviso, containing a limitation of the duration thereof until the end of the first sitting of the (then) next general assembly) shall be, remain and continue in as full force, validity and effect, as if the same were by this general assembly re-enacted in the same words.

[Section II.] (Section III, P. L.) Provided always, and be it further enacted by the authority aforesaid, That the said recited act of assembly shall be and remain in force to the end of the next sitting of this general assembly and no longer.

Passed January 2, 1778. See the note to the Act of Assembly passed September 16, 1777, Chapter 762.

CHAPTER DCCLXXVI.

AN ACT FOR ESTABLISHING A NEW SEAL FOR THE SUPREME COURT AND FOR ALTERING THE PLACE OF HOLDING THE SAID COURT AND THE COURTS OF OYER AND TERMINER AND GENERAL GAOL DELIVERY IN THE COUNTIES OF CHESTER AND BUCKS FOR A LIMITED TIME.

(Section I, P. L.) Whereas since the late glorious revolution it is become expedient and proper to have a new seal for the su-

preme court and the courts of oyer and terminer and general gaol delivery of this state:

[Section I.] Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That a new seal shall be procured and made under the direction of the prothonotary or clerk of the said supreme court having the arms of the state engraven thereon with such other devices as the justices of the said court shall direct, with an inscription round the edge and near the extremity thereof in these words, to-wit: "Seal of Supreme Court of Pennsylvania" and with the figures 1776 underneath the arms; and that the same from and after the receipt thereof by the prothonotary of said court shall be the seal of the said courts and used as such upon all occasions whatsoever, the expense of which seal shall be paid for by a draft of the prothonotary upon the treasurer of this state, who is hereby directed to pay the same out of the public moneys in his hand, and the seal of any of the justices of the said courts is hereby established as the seal of the said courts until such new seal shall be made and received by the said prothonotary.

(Section II, P. L.) And whereas it may be unsafe to hold the supreme court at the city of Philadelphia on the tenth day of April next, or to hold courts of oyer and terminer and general gaol delivery in the borough of Chester and town of Newtown for the respective counties of Chester and Bucks for some time, on account of the situation of the British army:

[Section II.] Be it therefore enacted by the authority aforesaid, That the justices of the same courts may and they are hereby authorized and empowered to hold the supreme court [at such] time and places as they shall think most suitable and convenient, of which they shall cause public notice to be given by the prothonotary at least twenty days before holding the said court, and also to hold courts of oyer and terminer and general gaol delivery for the counties of Chester or Bucks at such place or places within the said counties respectively as they shall agree upon and direct in their precepts to be issued to the sheriffs of the said several counties for summoning jurors and

other persons for holding such courts, and the said sheriffs are hereby directed to notify the same in their several proclamations accordingly throughout their respective counties.

[Section III] (Section III, P. L.) Provided always, and be it enacted by the authority aforesaid, That after the British army shall be subdued, driven out of or shall evacuate this state, the supreme court and the courts of oyer and terminer and general gaol delivery for the counties of Chester and Bucks shall be holden at the places heretofore used and fixed by law.

Passed January 2, 1778.

As to Section I, see the note to the Act of Assembly passed May 22, 1722, Chapter 255; and the Act of Assembly passed April 14, 1834, P. L. 333.

As to Sections II and III, see the Acts of Assembly passed April 1, 1778, Chapter 798; August 19, 1778, Chapter 801.

CHAPTER DCCLXXVII.

AN ACT TO PREVENT THE IMPRISONMENT OF SOLDIERS FOR SMALL DEBTS, AND ALSO TO PREVENT THE ENLISTMENT OF SOLDIERS WITHIN THE BOUNDS OF THE COMMONWEALTH OF PENNSYLVANIA BY ANY OFFICERS OF THE OTHER STATES UNTIL THE QUOTA OF THIS STATE BE COMPLETED.

(Section I, P. L.) Whereas it would be highly injurious to the common cause of this and the other United States of America in our present necessary defense to permit the imprisonment of soldiers for small debts:

[Section I] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That no soldier duly enlisted in the service of this or any other of the United States of America shall be arrested or imprisoned by virtue of any writ or other process for debt or any breach of civil contract issuing out of any court

of law or other legal jurisdiction within this commonwealth unless there be indorsed on the said writ or other process an affidavit on oath or affirmation that the defendant therein named is justly indebted to the plaintiff therein mentioned in a sum of money exceeding fifty dollars; and in case it shall happen that any soldier so bona fide enlisted and in actual service shall be so arrested, the justices of the supreme court of this commonwealth and the justices of the peace of the several counties thereof and each and every of them is hereby enjoined, empowered and required, upon application of the said soldier or his officer or officers, to discharge the said soldier from the said arrest or imprisonment: And all sheriffs and other officers are hereby enjoined and required that they do not arrest any person whom they may or shall know to be regularly enlisted soldiers unless such affidavit be endorsed on the said process, under the penalty of twenty pounds to be recovered by the said soldier or the commanding officer of the company to which he belongs by action of debt in any court of record within this state.

(Section III, P. L.) And whereas a great number of able-bodied soldiers have entered into regiments belonging to different states, which has very much delayed the quota of troops assigned this state by Congress for the continental army being completed:

Therefore:

[Section II.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That no recruiting officer or other person not belonging to some one of the regiments of this state shall upon any pretence whatsoever enlist any person within this state until the quota of troops for the continental army are [sic] completed, unless the said officer has the particular instructions of Congress or his excellency the commander in chief for that purpose, upon the penalty of fifty pounds. And every justice of the peace before whom complaint shall be made shall issue his warrant to apprehend such offender or offenders, and upon sufficient proof thereof being made shall deliver or cause to be delivered the soldier so enlisted to an officer belonging to one of the regiments of this state or to such other person as may be hereafter appointed by the executive council to recruit for this

state, and shall commit the officer so offending to the common gaol of the county, there to remain until he pays the aforesaid fine, which fine the justice is required to pay into the hands of the treasurer for the state taxes.

Passed January 2, 1778. See the Act of Assembly passed March 8, 1780, Chapter 888.

CHAPTER DCCLXXVIII.

AN ACT FOR SUSPENDING THE POWERS OF THE TRUSTEES OF THE COLLEGE AND ACADEMY OF PHILADELPHIA FOR A LIMITED TIME.

(Section I, P. L.) Whereas some of the trustees of the college and academy of Philadelphia are now with the British army under General Howe and in open hostility against the United States of America, and some others of them have voluntarily put themselves in the power and under the dominion of the said General Howe and the enemies of the said states by remaining in the city of Philadelphia at the time they entered the same and still continue there, whilst some others of the said trustees, together with the vice-provost and professors and other officers of the said college and academy, preferring the government and protection of this commonwealth, and in order that they might contribute as far as in their power to the defense of their just rights and liberties and the maintenance of the freedom and independence of these states, removed themselves out of the said city and still so continue:

And whereas it would be impolitic and unjust to suffer any act of the said trustees in such a situation to have any force or effect:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That no resolve, vote, ordinance or

act of the trustees of the College and Academy of Philadelphia or of any quorum of them passed, made or done since the first day of September [last], or which shall be passed, made or done during the continuance of this act, shall be valid, effectual, or have any legal operation, but the same and every of them shall be deemed and they are hereby declared to be of no force or validity whatsoever.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the vice-provost and rector of the said college and academy, the professors and all tutors and officers of the same, excepting such of them as remain and be in the city of Philadelphia and have voluntarily put themselves under subjection to the enemy shall be deemed to continue and hold their several and respective stations and employments and be paid by the trustees of the said college and academy the usual salaries and allowances in manner and at such times as heretofore and the said treasurer at the settlement of his accounts shall be credited for the same upon producing receipts or other sufficient vouchers or evidence thereof.

(Section IV, P. L.) Provided always, That the station or employment of every person in the said college and academy who shall take any commission in the service of the army or navy of the United States of America or accept of any lucrative office or place of trust under any of the said states excepting in the militia during his continuance in such service, office or employment, shall be deemed vacant, and he shall for such time be entitled to no salary or pay by virtue of this act.

[Section III.] (Section V, P. L.) Provided also, That this act shall continue in force as long as the British army shall keep possession of the city of Philadelphia and for three months after such city shall be re-conquered or evacuated and in peaceable subjection to the government of this commonwealth and no longer.

Passed January 2, 1778. See the Act of Assembly passed March 27, 1779, Chapter 871.

CHAPTER DCCLXXIX.

AN ACT TO PREVENT FORESTALLING AND REGRATING AND TO ENCOURAGE FAIR DEALING.

(Section I, P. L.) Whereas during the present interruption of commerce and the great demand for many necessary articles occasioned by the war the prices of goods and merchandise are greatly enhanced by the practices and combinations of evil and designing men to the great oppression of the poor and injury of the commonwealth:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, [and] by the authority of the same, That from and after the publication of this act no person or persons within this commonwealth shall purchase (except in small quantities for their own use and the consumption of their families or tradesmen and artificers for carrying on the business of their trades) any of the following articles, to-wit: wine, rum, whiskey, molasses, sugar, tea, coffee, salt, leather, deer-skins, furs, wool, flax [cotton] cotton and wool cards, butter, cheese, iron-castings, wire, nail rods, bar iron, steel, hemp, linen, tow or woolen clothes, ready-made clothes, stockings, shoes, wheat, rye, Indian corn, barley, oats, spelts, beans, peas, meal or flour of any kind, beef, pork, mutton, cider, beer, tobacco, neat cattle, sheep, hogs or other live stock, except to keep or fatten on their own farms, or any other goods, wares or merchandise brought or to be brought into this state until such person or persons shall first obtain a permit so to do signed by one of the persons hereinafter appointed respectively, who are hereby enjoined not to grant such permit to any person or persons but such as are known to be of good character for probity and public spirit and known friends to the freedom and independence of the American states, and who shall have taken the

oath or affirmation of abjuration and allegiance to this state prescribed by law; and if any person or persons so permitted shall misbehave in the said business by selling any articles at an unreasonable profit or refusing to sell them at a reasonable profit for bills of credit of this state or bills of the United States, the commissioners for said counties respectively or a majority of them who have so as aforesaid granted such permit shall and may by writing under their hands revoke the permit so granted, and every person so misbehaving in purchasing or refusing to sell as aforesaid shall upon being legally convicted thereof before any court of quarter sessions in this state forfeit all the goods, wares or merchandise so bought and refused for sale or the value thereof one moiety to the use of the informer and the other moiety for the use of the state, to be prosecuted and recovered with costs of suit by the commissioners or any one of them appointed to grant such permit in the county where the offense is committed.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That no person or persons shall sell within this commonwealth any of the articles aforesaid which he hath engrossed or hath now in his possession or which he may hereafter purchase and bring in from any of the neighboring states without first obtaining a permit so to do from the said commissioners or one of them hereinafter mentioned on penalty of forfeiting double the value of every article so sold or of suffering imprisonment for any time not exceeding three months, according as the prosecution shall be first begun for the said penalty or by indictment for the offense and to prevent any fraud in the sale of the said articles which shall be sold by any such purchaser or engrosser who has any of the said articles in his [or her] possession, he or she shall before any [such] permit be given to him or her, make out a true list or inventory of all such articles which he or she has in possession and deliver the same on oath or affirmation to some one of the commissioners hereby authorized to grant such permit.

Provided nevertheless, That any person who has on hand or may hereafter get into his or her possession any of the goods, wares or merchandise above enumerated and shall neglect or

refuse to deliver an inventory as aforesaid to some one commissioner of the county and apply for a permit to sell them, agreeable to the intention of this act, he, she or they so offending shall forfeit all such goods, wares or merchandise or the value thereof, to be prosecuted, recovered and applied as aforesaid forfeiture is directed to be prosecuted, recovered and applied.

(Section IV, P. L.) And whereas many persons under pretense of being employed to purchase for the army have heretofore purchased many of the articles enumerated in this act in order to engross and sell them again at exorbitant prices:

[Section III.] Be it further enacted by the authority aforesaid, That no commissary or assistant commissary or other person or persons whatsoever authorized to purchase supplies for the army or navy of the United States shall purchase any of the aforesaid articles in this state until he hath produced his appointment to and obtained a certificate from one of the said commissioners in this state and any person or persons who shall purchase any of the articles aforesaid under pretense that they are for the use of the army or navy who is not properly authorized as aforesaid shall forfeit treble the value of the article so purchased and be liable to imprisonment at the discretion of the court before whom the conviction shall be, not exceeding three months.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the following persons be and they are hereby appointed commissioners for the purposes aforesaid, to-wit: John Moore, William Antis and Andrew Knox, Esquires, for the county of Philadelphia; Gerardus Wynkoop, Thomas Dyer and George Wykart, Esquires, for the county of Bucks; George Irwin, Thomas Cheney and Philip Scott, Esquires, for the county of Chester; Morris Erwin, Christopher Marshall and Timothy Green, Esquires, for the county of Lancaster; Archibald McLean, David Watson and Benjamin Leden, Esquires, for the county of York; John Creigh, John Agnew and George Matthews, Esquires, for the county of Cumberland; Peter Spiker, Jacob Shoemaker and Paul Groffcoop, Esquires, for the county of Berks; Robert Levers, Samuel Ray and William McNair, Esquires, for the county of Northampton; William Packer,

Thomas Paxton and Cornelius McCauley, Esquires, for [the county of] Bedford; Samuel Allen, John Ouran and Mordecai McKinney, Esquires, for the county of Northumberland, and Edward Cook, Charles Foreman and John Moore, Esquires, for the county of Westmoreland; and the said commissioners respectively or any of them are hereby authorized and empowered to grant such permit agreeable to the tenor of this act, which permit shall be and continue in force, (unless sooner revoked) for the space of one year next following and no longer for which permit the person applying shall pay the sum of ten shillings to the commissioners for their trouble.

[Section V] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall think him or themselves aggrieved by the judgment of said commissioners or any of them in any matter or thing done or to be done by virtue of this act, that it shall and may be lawful for such person or persons to appeal to the supreme executive council of this state or to the justices of the peace for the said county at their court of quarter sessions, whose judgment thereon shall be final and decisive.

[Section VI] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That no person or persons within this state shall be permitted to purchase any whiskey or species of clothing manufactured or unmanufactured necessary for the use of the army until he gives the commissioners or some one of them of the county where he, she or they reside such security or assurance as they may judge necessary that he, she or they will not remove or cause to be removed the articles aforesaid, out of this state.

Passed January 2, 1778. See the two Acts of Assembly passed April 1, 1778, Chapters 795, 797; May 25, 1778, Chapter 799; September 9, 1778, Chapter 812; September 10, 1778, Chapter 816; November 27, 1778, Chapter 819; March 16, 1779, Chapter 827; April 3, 1779, Chapter 841; April 5, 1779, Chapter 845; October 6, 1779, Chapter 856; October 8, 1779, Chapter 859; February 28, 1780, Chapter 876; (repealed by the Act of Assembly passed) March 22, 1780, Chapter 904.

CHAPTER DCCLXXX.

AN ACT FOR THE REGULATION OF WAGONS, CARRIAGES AND PACK HORSES FOR THE PUBLIC SERVICE.

(Section I, P. L.) Whereas the mode which the deputies of the quarter-master general have pursued in procuring of wagons for the use of the army has been attended with great inconveniences and has thrown the burden of supplying them very unequally on the people and if continued may not only be oppressive to individuals but injurious to the common cause by rendering it difficult if not impracticable to procure them:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the president or vice-president and council shall appoint and commission one wagon-master-general for this state and one deputy wagonmaster-general for each county respectively and the said county wagon-master shall and may appoint as many assistants in their counties as they may find necessary not exceeding one in each battalion district and it shall be the duty of the said county wagon-masters with the assistance of their deputies immediately to make out lists of all the wagons and teams and the names of the owners thereof in their respective counties, and register the same in a book and transmit a true copy thereof to the wagon-master-general, who shall transmit a true and exact copy of the returns to him made as aforesaid to the president and council as soon as conveniently may be. And the said county wagon-master shall keep an exact account of the service which from time to time shall be performed by the said wagons and teams, specifying the time they were so in service and transmitting copies thereof to the said wagonmaster-general once in every four months at least.

[Section II] (Section III, P. L.) And be it further enacted by

the authority aforesaid, That if any county wagonmaster shall refuse or neglect to obey the orders of the wagonmaster-general or any other lawful order which he may receive in pursuance of this act, the said wagonmaster-general may suspend such county wagon-master, and appoint another in his stead until a hearing can be had before the supreme executive council and in case any assistant wagon-master shall refuse or neglect to obey the orders of the county wagon-masters or any other lawful orders which he may receive in pursuance of this act, the said county wagonmaster may suspend such assistant wagonmaster and appoint another in his stead.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That upon application to the wagonmaster-general of the state by the quartermaster-general he shall issue his orders to the county wagonmasters to furnish the number of wagons and teams that they may be wanted, taking care that as far as circumstances will admit they perform the same service in rotation, paying due regard to those whose wagons and horses have already been in the service. And that in sudden emergencies the wagonmaster of the state and the wagonmasters of the respective counties do pay immediate attention to the demands of the honorable Congress, of the supreme executive council, of the officers who may have the charge of public records or papers, of the quartermaster-general and of the lieutenant or sub-lieutenant of the county.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That whensoever and as often as the aforesaid wagonmasters or their assistants or either of them shall have occasion to call out any of the wagons or teams within their respective counties or districts in pursuance of the regulations contained in this act and the owner thereof shall refuse to perform the duty when called upon, the said wagonmaster shall make application to any justice of the peace of the county who shall issue his warrant to any constable of the county in which the owner or owners of the same wagons shall reside, requiring him to impress the said wagons with four or more sufficient horses to each and the necessary gears and tacklings thereto belonging, and to procure one able driver or carter to each

and every wagon or team, which constable is hereby required to obey the said warrant and to call to his assistance the militia where it may be needed, and the form of the said warrant may be as follows, to-wit:

..... county, ss: To the constable of

"Whereas application has been made by A, B., wagonmaster, to me the subscriber one of the justices of the peace in and for the county aforesaid setting forth that it is necessary to impress carriages and horses for the public service and that the wagons and horses annexed to the names hereunder written are required and allotted by him to be employed in the public service. These are therefore to authorize and require you with proper assistance to impress the said wagons and horses with the gears and tacklings thereto belonging suitable for the public service and deliver them to the said at such time and place as he shall direct, and also that you do your best endeavors to procure and hire an able driver to each wagon on as reasonable terms as may be. Hereof fail not, as you shall answer the contrary at your peril. Given under my hand and seal at, in the said county, the day of, Anno Domini 177—."

The list referred to in the above warrant may be as follows:

C. D., of township, wagon and horses with gears and tackling.

E. F., of township, wagon and horses with gears and tackling.

G. H., of township, horses with gears and tackling.

And the said justice shall have for each of the said warrants the sum of eighteen pence and the said constable the sum of twenty shillings for each day he shall be employed in executing the said warrants, to be paid by the wagonmaster out of the hire of the said wagons.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons from and after the twentieth day of February next, under pretense of being quartermasters or otherwise, shall seize or impress any wagon or wagons, team or teams, otherwise than according to the directions contained in this act, excepting only in case of sudden or unexpected emergencies, by express warrant from the commander in chief of the continental army or of the forces

in this state, he or they so offending shall for each of the said offenses forfeit and pay the sum of fifty pounds, to be recovered by the party grieved with costs in an action of debt.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That in such part or parts of this state in which from time to time pack horses may be required in lieu of wagons for the public service the several officers aforesaid shall as far as may be proceed in all things according to the directions of this act; and that the wagonmaster of the state shall be allowed and paid for the services enjoined by this act the pay and rations of a lieutenant colonel and each of the county wagonmasters the pay and rations of a major, and each of their assistants the pay and rations of captain while in actual service. And the pay of each wagon with four horses and driver shall be thirty shillings per day when they receive forage and rations and forty-five shillings per day when they find their own forage.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That before the said wagons, horses, harness, gears and other furniture be sent out of the district, the same shall be duly appraised by two reputable freeholders of the neighborhood, one of them to be chosen by the said wagonmaster, the other by the owner of the wagon; and if the said owner shall neglect or refuse to choose one of the said freeholders, then the other freeholder is to choose two others and those three are duly and conscionably to appraise and value the said wagon and horses, harness and other furniture, one copy whereof, signed by them, shall be given to the said owner and another copy to the said wagonmaster who shall enter the same in a book to be kept for that purpose.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the several wagonmasters who [sic] which shall be appointed in pursuance of this act and also the drivers of the said wagons shall and they are hereby exempted from all militia duties during the time and as [long as] they shall be in actual service.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue and be in

force until the end of the first sitting of the next general assembly and no longer.

Passed January 2, 1778. See the note to the Act of Assembly passed March 17, 1757, Chapter 421; and the Acts of Assembly passed March 12, 1778, Chapter 787; September 10, 1778, Chapter 814; November 30, 1778, Chapter 821; April 5, 1779, Chapter 844.

CHAPTER DCCLXXXI.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO REGULATE THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA."¹

(Section I, P. L.) Whereas by an act of general assembly of this commonwealth the powers given to the supreme executive council for calling out the militia into actual service are not so clearly and distinctly expressed, but that some misconstructions may arise thereon. And the mode therein prescribed for the lieutenant and sub-lieutenants to notify the different classes of the militia is found tedious and difficult:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That whenever it may be necessary to call into actual service any part of the militia in case of rebellion in or invasion of this or any of the adjoining states, then it shall and may be lawful for the president or vice-president and council to order into actual service such part of the militia by classes of any county or counties, as the exigency may require. Provided, That the part so called doth not exceed four classes of the militia of the county or counties so called out; and provided also that such counties shall not be again called upon to furnish any more militia until an equal number of classes of the militia of the other counties respectively be first called, unless the danger of an invasion from Indians or others should make

¹ Passed March 17, 1777, Chapter 750.

it necessary to keep in reserve the militia of such county or counties for their own immediate defense.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commanding officer of each battalion is hereby required immediately to forward the orders of the lieutenant or sub-lieutenant to the commanding officer of each company respectively, requiring him to notify the class or classes of his company then ordered to march by written notices left at their usual places of abode, specifying the time and place of rendezvous, and that the lieutenant or sub-lieutenants will hold an appeal, as hereafter directed, at the time and place therein appointed; and that the several militia officers respectively who shall be employed in notifying the militia in manner aforesaid shall receive the sum of ten shillings per diem for their trouble, to be paid to them by the lieutenants or sub-lieutenants out of the fines recovered from delinquents.

(Section IV, P. L.) And whereas the hiring of substitutes by the lieutenants and others is by experience found to have obstructed the completion of the quota of this state to the continental army to the great damage of the common cause:

Therefore:

[Section III.] (Section V, P. L.) Be it further enacted by the authority aforesaid, That if any militia-man shall neglect or refuse to march in person on the day appointed as aforesaid, such delinquent shall forfeit and pay within five days the sum of forty pounds to the lieutenant or nearest sub-lieutenant, unless he produce a sufficient substitute of or belonging to his own family. Provided nevertheless, That every person serving by substitute as aforesaid, if said substitute shall be called in his own turn into actual service before the term expires which he was to serve for his employer, that then the person procuring such substitute shall either march in his the said substitute's turn or be liable to pay his fine for neglect; which fine is to be recovered as other fines for neglect of serving are by this act directed to be recovered. Provided also, That sons, apprentices or servants who are not subject to the militia law may be admitted as substitutes for their fathers or masters if of sufficient ability of body, of which the commanding officer of the

marching class together with the lieutenant or nearest sub-lieutenant shall be judges.

(Section VI, P. L.) And whereas the mode of appeal as directed in said act is found tedious, and by the length of time allowed for holding of the same delinquents may remove and defeat the intent and meaning of the said act by not paying their fines to the great injury of this commonwealth and to the dissatisfaction of those of the good people who personally step forth in defense of their country:

Therefore:

[Section IV.] (Section VII, P. L.) Be it further enacted by the authority aforesaid, That the lieutenant or one of the sub-lieutenants shall attend at the place appointed for the different classes to rendezvous and call to his assistance two freeholders, one of whom shall be a justice of the peace, to hear and determine all appeals that may be laid before them by the persons thinking themselves aggrieved by anything done in pursuance of this act, or the act to which this is a supplement; and they are hereby authorized and required to grant such relief to such appellants as to them shall appear just and reasonable, in consideration of inability of body and estate only.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any delinquent shall neglect or refuse to pay the fine aforesaid within five days after the appeal aforesaid, it shall and may be lawful for the lieutenant or any one sub-lieutenant to issue his warrant to the sheriff, constable or other fit person to levy the aforesaid fine by distress and sale of the offender's goods and chattels, lands and tenements, together with five per cent. in full for his trouble, for levying, selling and collecting. But if no such goods and chattels, lands and tenements, can be found, then to seize and take the body of such offender and commit him to the common gaol or some other place of close confinement for the space of four months unless he sooner pays the said fine; and no [process] shall issue to stay the execution of such warrant unless in the case of the seizure of real estates.

[Section VI.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That before the lieutenant or sub-lieu-

tenant and justice of the peace sit to hear and determine upon any appeal of which they are hereby directed to judge shall have taken the respective oaths or affirmations of office prescribed by the constitution, and the said freeholder before he shall sit on the said appeal shall take the following oath or affirmation, viz.:

“That he will hear and impartially determine on the cases of appeal that may be laid before him, agreeable to law and according to the best of his knowledge:”

Which oath or affirmation the said justice, lieutenant or sub-lieutenant is hereby empowered and required to administer. And the said justice and freeholder shall have and receive from the said lieutenant or sub-lieutenant the sum of twenty shillings each for each day they shall sit on the said appeals.

(Section X, P. L.) And whereas many militia-men by removing from one battalion or company to another find means to escape their tour of duty, and thereby defeat the good intent of the militia law:

Therefore:

[Section VII.] (Section XI, P. L.) Be it enacted by the authority aforesaid, That no militia-man shall withdraw himself from the company to which he belongs under the penalty of five pounds to be sued for and recovered for the use of this state by the commanding officer of the company from which he shall so withdraw himself before any justice of the peace by action of debt. Provided nevertheless, That persons removing out of the bounds of one battalion or company to another shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge, certifying the class to which he belongs and whether he has served his tour of duty or not, which certificate the said militia-man shall produce to the captain or commanding officer of the company in whose bounds he next settles within ten days after his settlement under penalty of five pounds, to be recovered and applied as the aforesaid fine is directed to be recovered and applied; and the captain or commanding officer is hereby required to enroll him in the class specified in said certificate.

(Section XII, P. L.) And whereas it is found upon experience that subjecting members of the general assembly to militia

duties has a tendency to retard the public business, many of them having been called to serve their tour in the militia when their attendance at the same time is absolutely necessary in the house of assembly:

Therefore:

[Section VIII.] (Section XIII, P. L.) Be it enacted by the authority aforesaid, That members of general assembly for the time being shall be and they are hereby exempted from performing militia duties, and from all fines for any neglect thereof during the time they continue members.

[Section IX.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That so much of the act to which this is a further supplement, as also so much of the said supplement to the said militia act as is herein or hereby amended or altered, are hereby declared to be repealed.

Passed December 30, 1777. See the note to the Act of Assembly passed March 17, 1777, Chapter 750. The act in the text was repealed by the Act of Assembly passed March 20, 1780, Chapter 902.

CHAPTER DCCLXXXII.

AN ACT FOR THE BETTER SUPPLY OF THE ARMIES OF THE UNITED STATES OF AMERICA.

(Section I, P. L.) Whereas notwithstanding the large quantities of clothing which have been seasonably ordered from Europe for the armies of the United States of America, adequate supplies have not yet been imported:

And whereas a regular and fixed mode of collecting and providing such supplies as can be furnished in this state will enable the legislature thereof to administer on any emergency more expeditiously and effectually to the necessities not only of their quota of troops, but also of the rest of the army:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the

authority of the same, that Michael Shubart and John Wentz, of the county of Philadelphia; Colonel Lacy and Robert Stewart, of the county of Bucks; Matthew Boyd and Samuel Cunningham, of the county of Chester; James Lang and Robert Craig, of the county of Lancaster; Robert Lattimore and George Groff, of the county of Northampton; Colonel David Kennedy and William Morrison, the elder of the county of York; Colonel James Johnson and Colonel William Chambers, of the county of Cumberland; and Henry Haller and Daniel Messersmith, of the county of Berks; be and they are hereby appointed and constituted commissioners in their respective counties to collect, seize and take for the use of the army of the United States all woolen cloths, linens, blankets, dressed and tanned leather, shoes, stockings, coats, waistcoats, breeches, shirts and hats, with such other articles of clothing suitable for the soldiery which may be found in the possession of any person or persons inhabiting or residing within their respective counties for the purpose of sale and not for their own use or family consumption; and the said commissioners are hereby directed and required to give certificates or receipts for the same, expressing therein the quantity, value and quality of the goods, except in case they are forfeited by any provision in this act.

Provided always, That no goods, wares or merchandise which have been or shall hereafter be bona fide imported into this state on account of any person not subjects or citizens of any of the United States, so long as the same shall continue their property but no longer, may or shall be seized or taken by the said commissioners or any of them. And if any person who may on good grounds be suspected by the said commissioners or any of them of having concealed any of the said goods, wares, merchandise or other articles of clothing in any storehouse or other place shall refuse to permit such commissioner to have free access thereto, the said commissioner shall apply to some justice of the peace of the county who is hereby directed to issue his warrant upon oath or affirmation being first made before the said justice that there is suspicion of concealment, commanding any constable, and where there is no constable or the constable shall refuse to act any other fit person, at the proper expense and

charge of the owner, if any such secreted goods shall be found, if not, at the charge of the state, to take with him such assistance as may be necessary and attend the said commissioner in discovering and assist him in seizing and taking any such secreted goods.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the owner or owners of the goods, wares and merchandise before enumerated and other articles of clothing shall exhibit and deliver to the commissioner seizing such goods, wares, merchandise and clothing a true account on oath or affirmation of the original prices which they cost him and of the incidental charges thereupon. And the commissioner aforesaid shall appoint four honest, judicious and reputable housekeepers of the neighborhood, who may add thereto any sum they make think reasonable for the advancing the money for and the care and trouble of such owner about such goods, so as the same do not exceed twenty per cent. thereupon, for which value so to be ascertained the said commissioner shall give a certificate to every such owner except in case of forfeiture, who, upon application to the receiver general hereinafter named or to the receiver-general for the time being, shall receive a draft from him, which he is hereby authorized and required to give, upon the clothier general of the United States of America for payment upon sight of such draft or order. But if any owner or owners shall neglect or refuse to deliver in such account as aforesaid to the said commissioner within ten days after the seizure thereof, then the goods aforesaid shall be forfeited to the use of the state and the owner or owners shall be barred from receiving any compensation therefor.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners or such as may hereafter be appointed by virtue of this act be and they hereby are empowered and directed to contract with proper and fit persons in their respective counties or elsewhere to make up said cloths and manufacture the said materials for use, and to transmit the clothing so procured from time to time to the person hereinafter appointed receiver-general of the same, whose receipts certifying the number and kind of the various articles,

shall be carefully preserved by them and laid before the Legislature.

(Section V, P. L.) And that the said commissioners may be enabled to answer the end of their appointment more effectually:

[Section IV.] Be it further enacted, That they be and hereby are exempted from actual service in the militia during their continuance in that office, and that all such tailors and shoemakers whom the said commissioners or any of them shall find it necessary to employ for the purposes aforesaid shall during such their employment be exempted from actual service in the militia, and the [certificate] of the said commissioner or any one of them shall be a sufficient voucher to any such tradesman of his being so exempted, provided he show the same to his captain or the officer notifying him to serve in the militia at the time of such notification or within two days thereafter, and provided that during such exemption the said tradesman be bona fide employed in the said business only, and that he receive no other wages except a reasonable allowance for board in lieu of rations than the pay he would have been entitled to receive for actual service in the militia..

(Section VI, P. L.) And in order that the commissioners may be enabled to pay the said tradesmen:

[Section V.] Be it enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners respectively to draw on the treasurer of this state for any sum of money not exceeding one hundred pounds, and the receipts of the said commissioners respectively shall be available to the said treasurer in accounting for so much of the public money. And in case the said sum be laid out and expended by the commissioners of any county in the service for which it was drawn, it shall and may be lawful for the said commissioners respectively, with the approbation of two members of assembly for the same county for which the commissioners are appointed, to draw for such further sum upon the treasury from time to time as may be expedient until the next meeting of the legislature; and the said commissioners shall be severally accountable to the legis-

lature of this state for all sums of money by them received in pursuance of this act.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners and their successors in office and the person hereinafter appointed to receive the clothing by them collected and procured shall from time to time be directed by and obey the order and instructions of the legislature, and during their recess of the supreme executive council of this state.

[Section VII.] (Section VIII, P. L.) And be it enacted by the authority aforesaid, That Colonel Francis Johnston be and is hereby appointed receiver-general of the said clothing and materials and empowered to receive from the said commissioners and each and every of them all clothing and materials by them seized, taken, collected or prepared, and the same safely to store and keep, to be disposed of as he may be ordered and instructed as aforesaid, and to transport the same or any part thereof to such place or places and deliver the same to such person or persons as he may be so ordered or directed, taking proper receipts, certifying the number and kind of the article delivered, to be by him produced to the legislature at the settlement of his accounts, and to draw upon the treasury of the state for any sum not exceeding one hundred pounds in the manner that the commissioners are above empowered to draw, and his receipt shall discharge the treasurer for the sum or sums therein specified to be drawn and the said receiver-general shall be accountable to the legislature of this state for all such clothing and materials to him delivered and for all the moneys by him received in pursuance of this act.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said receiver-general for receiving and faithfully keeping the clothing committed to his care shall be allowed and paid the sum of thirty-five shillings per day, together with all reasonable expenses of storage and transportation. And each of the said commissioners shall be allowed and paid thirty shillings per day for every whole day he shall be actually employed in discharging the duties of his

trust, together with all reasonable expenses of sending the clothing to the receiver-general.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if the receiver-general or any of the commissioners above named or hereafter to be appointed as this act directs, after having entered on the duties of his appointment shall be guilty of wilful neglect, fraud or speculation and shall be thereof legally convicted in any court of quarter sessions of this state, he shall be fined at the discretion of the said court, according to the nature and heinousness of the offense for the use of the state, together with costs of suit.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said receiver-general and commissioners respectively before they enter on the duties of their employment shall take the oath or affirmation of allegiance directed by an act of general assembly enacted the thirteenth day of June last before some justice of the peace (provided they have not taken the same before) and also an oath of office for the faithful discharge of their respective trusts under this act.

[Section XI] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if the said receiver-general or any of the said commissioners shall by death, removal out of the county where they reside or any other disability be rendered incapable of discharging the duties of this act or should refuse the same, the supreme executive council for the time being may and shall during the recess of the house only supply the vacancy so happening; and the person or persons so appointed shall be invested with the same powers, receive the like rewards, be subject to the same penalties and take the same oaths or affirmations as those appointed in this act.

(Section XIII, P. L.) And in order that all may have an opportunity of contributing as far as in their power to relieve the wants of their brave countrymen and fellow citizens now fighting in a most righteous and glorious cause, and on the other hand that none may have reason to complain that they are repeatedly called upon while others are passed by and excused:

[Section XII.] Be it enacted, That each of the commissioners in collecting the said clothing and materials shall apply to

every family in rotation in this county in which he believes or apprehends there are any of those articles to spare, and shall keep a book in which he shall make fair and regular entries of the clothing or material for preparing it or blankets procured in each, which shall be appraised and paid for in manner before directed.

(Section XIV, P. L.) And whereas there are many subjects of this state who have hitherto neglected to give evidence of their attachment to the United States of America and of their renouncing all allegiance and obedience to the King of Great Britain by taking the oath of affirmation prescribed by law, some of whom are notoriously inimical:

(Section XIII.) Be it therefore enacted, That if any person shall refuse or neglect to produce to any of the said commissioners in their respective counties upon demand a legal certificate of his having taken the oath or affirmation of allegiance directed by act of general assembly passed the thirteenth day of June last, and such person shall have any blankets, clothing or articles before enumerated to sell, or such a quantity of any of them as to enable him, in the opinion of such commissioners, to spare a part without distressing his family, and shall deny the sale of the same upon the terms herein before mentioned, then and in such case the said commissioner may and he is hereby directed to seize and take the same and give a receipt or certificate to the owner, expressing therein the species, quantity and quality thereof, but if the owner shall refuse to accept and shall not within ten days thereafter demand such receipt or certificate, the said owner shall be forever barred from recovering or receiving anything in consideration of the goods or articles so taken, and the same shall be deemed forfeited to the state.

(Section XV, P. L.) And whereas it is essentially necessary that magazines of provisions should be seasonably provided for the army and many inhabitants of this state through motives of avarice or disaffection refuse to sell their produce or what they have purchased for the purpose of sale unless at most exorbitant prices:

[Section XIV.] Be it therefore further enacted by the authority aforesaid, That Peter Evans and Colonel John Moore,

Esquires, of the county of Philadelphia; Andrew Kichlin and Joseph Greer, of the county of Bucks; Thomas Heslip and Samuel Culbertson, of the county of Chester; Thomas Edwards and David Watson, of the county of Lancaster; Major James Dill and Major William Scott, of the county of York; William Blair and John Andrews, of the county of Cumberland; John Orndt and David Deshler, of the county of Northampton; Robert Culbertson and Moses Reed, of the county of Bedford; William Gray and John Little, Esquires, of the county of Northumberland; and Joseph Thorn and John Brannon, of the county of Westmoreland, be and they are hereby appointed and constituted commissioners in their respective counties. And they are hereby authorized and empowered within their respective counties to seize and take for the purpose of forming of magazines for the army of the United States of America all flour, wheat, rye, Indian corn, oats, spelts, hay and whiskey, and all beef and pork which may be found in the possession of any person or persons for the purpose of sale and not for their own use or family consumption and also all the said enumerated articles together with cattle and swine which shall be found in the possession of any person who shall refuse or neglect to produce to them or any of them upon demand a legal certificate of his having taken the oath or affirmation of allegiance aforesaid, and has the same articles or any of them for sale, or have such a quantity thereof as to enable him in the opinion of such commissioner to spare a part without distressing his family, and shall deny the sale of the same at the rates and prices hereinafter mentioned; and the said commissioner is hereby required to tender to such persons respectively such prices, and if the owner or owners shall refuse to accept or shall not within ten days thereafter demand the same, such owner or owners shall be forever barred from recovering the sum so tendered or any other sum in consideration thereof, and the same shall be deemed forfeited to the state. And the said commissioners or any of them are hereby further empowered and directed to purchase from any other persons who are willing to sell the same at the prices aforesaid any of the said enumerated articles of provisions or forage above-mentioned and to pay them therefor.

Provided always, That the said commissioners and every of them do observe such instructions and orders as they shall from time to time receive from Congress relating to the quantity of the articles of provision and forage by them to be purchased or seized and taken in manner aforesaid and the places where the same shall be deposited or carried to and the manner in which they shall be secured and managed, and are furnished by them with money from time to time for the purposes aforesaid. And the said commissioners shall severally settle with the Congress or such person or persons as they shall appoint to liquidate and adjust their accounts for all moneys to them so advanced and paid under the penalties of double the sums of money to them severally advanced to be recovered for the use of the Congress upon legal conviction in any court of quarter sessions of the county where such commissioner shall be an inhabitant or in the supreme court.

[Section XV.] (Section XVI, P. L.) And be it enacted by the authority aforesaid, That the rates and prices of the several articles of provisions and forage aforesaid shall be as follows, to-wit: for every hundred weight of flour, thirty-three shillings; every bushel of wheat, twelve shillings; every bushel of rye, nine shillings; every bushel of Indian corn, seven shillings and six pence; every bushel of oats or spelts, five shillings; every gallon of whiskey, eight shillings and six pence; every pound of fresh beef, from eight pence to twelve pence according to the goodness thereof; every pound of fresh pork, from nine pence to twelve pence, according to the goodness thereof; and for neat cattle and swine at the same rates per pound as for beef and pork respectively as near as can be estimated, allowing the owner for the fifth quarter on the said neat cattle. And in case the commissioner and owner cannot agree about the estimated weight of any neat cattle or swine, then the commissioner shall appoint three judicious and impartial inhabitants of the neighborhood to determine the same, the opinion of whom or of any two of them on oath or affirmation (which such commissioner is hereby empowered to administer) shall be conclusive and final.

Provided always, That the persons so to be appointed shall have taken the oath of allegiance aforesaid.

[Section XVI.] (Section XVII, P. L.) And be it enacted by the authority aforesaid, That if from proximity of the enemy or other causes the commissioner or commissioners may think it unsafe to attend his or their duty or expect to meet with resistance in the premises, it shall and may be lawful for such commissioner or commissioners to apply to the lieutenant or a sub-lieutenant or to any commissioned officer of the militia of the county for such a guard as he may think absolutely necessary for his security and the due performance of the service hereby required of him; and the said officer is hereby enjoined and required to attend him with such guard accordingly, who shall be paid as when in actual service; and if any person shall be sued for doing anything in execution of this act, the defendant may plead the general issue and give this act in evidence and if the plaintiff shall discontinue his action, become nonsuit or a judgment pass against him upon a verdict or demurrer, the defendant shall recover double costs; and in all such suits the onus probandi shall be upon the plaintiff.

[Section XVII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That an ordinance of the council of safety dated at Lancaster, the eighth day of November last, for collecting arms, blankets, etc., and one other ordinance of the said council dated at Lancaster, the seventh day of November last, respecting the price of whiskey shall cease and be of no force or effect from and after the tenth day of January [instant].

[Section XVIII.] (Section XIX, P. L.) Provided always and be it enacted by the authority aforesaid, That this act shall continue and be in force for one year and from thence to the end of the first sitting of general assembly and no longer.

Passed January 2, 1778. See the Acts of Assembly passed February 27, 1778, Chapter 783; April 1, 1778, Chapter 797; September 9, 1778, Chapter 812; April 3, 1779, Chapter 841; October 9, 1779, Chapter 864; March 23, 1780, Chapter 905; June 1, 1780, Chapter 913.

CHAPTER DCCLXXXIII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE BETTER SUPPLY OF THE ARMIES OF THE UNITED STATES."¹

(Section I, P. L.) Whereas no commissioners are by the said act appointed to purchase, collect, seize and take within the county of Berks, for the purpose of forming magazines for the army of the United States of America, flour, wheat, rye, Indian corn, oats, spelts, hay, whiskey, beef, pork, cattle and swine, and to dispose of the same according to the direction of the said act:

Therefore to remedy the said defect:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That John Leshner, Valentine Eckart, Michael Crause and Christian Lauer, Junior, of the county of Berks, be and they are hereby nominated, constituted and appointed commissioners in and for the said county. And they are hereby enjoined, authorized and empowered within the said county of Berks to do and perform the like services as by the said act to which this act is a supplement are required to be done and performed by the commissioners thereby appointed for the other counties of this commonwealth for procuring the articles hereinbefore enumerated for the purpose of forming magazines thereof for the army of the United States, who shall, before they enter upon the duties of their said office take the oaths or affirmations by the act hereinbefore recited, prescribed and required to be taken by the commissioners therein named.

(Section III, P. L.) And whereas the necessity of immediately procuring and forwarding provisions and forage of every kind to the army of the United States is so great that the commissioners already appointed by law for those purposes may not

¹ Passed January 2, 1778, Chapter 782.

be able without assistance to execute with due dispatch the trust in them reposed:

[Section II.] (Section IV, P. L.) Be it further enacted by the authority aforesaid, That the commissioners in the said act to which this is a supplement and in this act named be empowered and directed and they are hereby empowered and directed to appoint so many fit persons within their respective counties to assist them in collecting and forwarding provisions and forage for the army, agreeable to the intention of the act to which this act is a supplement, as they shall find absolutely necessary for those purposes; and the said assistants shall have equal pay with the said commissioners.

(Section V, P. L.) And whereas also there is no direction in and by the act to which this act is a supplement that the commissioners for collecting provision[s] and forage, in case of concealment or suspicion of concealment, should apply to a justice of the peace of the county wherein such concealment may happen for his warrant to any constable or other fit person to discover and take any such secreted articles:

[Section III] (Section VI, P. L.) Be it therefore further enacted by the authority aforesaid, That upon oath or affirmation made of the concealment or suspicion of concealment of any of the articles hereinbefore enumerated the commissioners of the county where such concealment or suspicion thereof may happen and so often as the same may happen or any of them or their assistants or any of them, shall apply to some justice of the peace of the same county, who is hereby directed and required upon such oath or affirmation made to issue his warrant commanding any constable, and where there is no constable or the constable shall refuse to act, any other fit person at the proper expense and charge of the owner if [any] such secreted goods shall be found, if not at the charge of the state, to take with him such assistance as may be necessary and attend the said commissioners or assistants or any of them in discovering and assist in seizing and taking any such secreted goods.

Passed February 27, 1778. See the note to the Act of Assembly passed January 2, 1778, Chapter 782

CHAPTER DCCLXXXIV.

AN ACT FOR THE ATTAINDER OF DIVERS TRAITORS IF THEY RENDER NOT THEMSELVES BY A CERTAIN DAY, AND FOR VESTING THEIR ESTATES IN THIS COMMONWEALTH, AND FOR MORE EFFECTUALLY DISCOVERING THE SAME AND FOR ASCERTAINING AND SATISFYING THE LAWFUL DEBTS AND CLAIMS THEREUPON.

(Section I, P. L.) Whereas Joseph Galloway and Andrew Allen, Esquires, late members of the Congress of the thirteen United Colonies, now states of America, for Pennsylvania; John Allen, Esquire, late member of the committee of inspection and observation for the city and liberties of Philadelphia; William Allen, the younger, Esquire, some time a captain and afterwards a lieutenant-colonel of a regiment or battalion of foot in the service of the said United Colonies, now states of America; James Rankin, late of the county of York, yeoman; Jacob Duche, the younger, late chaplain to the Congress; Gilbert Hicks, late of Bucks county, yeoman, Samuel Shoemaker, late alderman of the city of Philadelphia; John Potts, late of Philadelphia county, yeoman; Nathaniel Vernon, late sheriff of Chester county; Christian Fouts, late lieutenant-colonel of militia of the county of Lancaster; Reynold Keen, late of the county of Berks, yeoman, and John Biddle, late of the same county, yeoman, late collector of excises for the said county and a deputy quarter-master in the army of the United States, being all subjects and inhabitants of the state of Pennsylvania, have most traitorously and wickedly, and contrary to the allegiance they owe to the said state joined and adhered to and still do adhere to and knowingly and willingly aid and assist the army of the King of Great Britain, now enemies at open war against this state and the United States of America, and yet remain with the said enemies in the city and county of Philadelphia, where they daily commit divers treasonable acts without any sense of honor, virtue, liberty or fidelity to this state:

[Section I.] (Section II, P. L.) Be it therefore enacted, and

it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That if the said Joseph Galloway, John Allen, Andrew Allen, William Allen, the younger, James Rankin, Jacob Duche, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Fouts, Samuel Shoemaker, Reynold Keen and John Biddle shall not render themselves respectively to some or one of the justices of the supreme court or of the justices of the peace of one of the counties within this state on or before the twentieth day of April next ensuing, and also abide their legal trial for such their treasons, then every of them the said Joseph Galloway, John Allen, Andrew Allen, William Allen, James Rankin, Jacob Duche, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Foutz, Samuel Shoemaker, Reynold Keen and John Biddle, not rendering himself as aforesaid or not abiding the trial aforesaid, shall from and after the said twentieth day of April next stand and be adjudged, and by the authority of this present act be convicted and attainted of high treason to all intents and purposes whatsoever and shall suffer and forfeit as a person attaint of high treason by law ought to suffer and forfeit.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all and every person and persons being subjects or inhabitants of this state or those who have real estates in this commonwealth who now do adhere to and knowingly and willingly aid and assist the enemies of this state or of the United States of America by having joined their armies within this state or elsewhere or who hereafter shall do the same, and whom the supreme executive council of this state by their proclamations to be issued under the state seal, during the continuance of this war with the King of Great Britain shall name and require to render themselves by a certain day therein to be mentioned to some or one [of the] justices of the supreme court or of the justices of the peace of one of the counties within this state and also abide their legal trial for such their treasons, and shall not render themselves accordingly and abide their legal trial aforesaid, shall from and after the day to them to be prefixed by such proclamation stand and be

attainted of high treason to all intents and purposes, and shall suffer [such] pains and penalties and undergo all such forfeitures as persons attainted of high treason ought to do.

Provided, That the time to be prefixed by such proclamation for the persons therein to be named to render themselves be not less than the time and term of forty days from and after the date of such proclamation.


[Section III.] (Section IV, P. L.) And be it further declared and enacted by the authority aforesaid, That all and every the subjects or inhabitants of this state who from and after the publication of this act shall at any time during the continuance of the said war willingly and voluntarily serve the King of Great Britain either by land or sea as a civil or military officer, soldier or seaman, shall be and are hereby attainted of high treason, and shall suffer and forfeit to all intents and purposes as persons attainted of high treason ought to do.

[Section V, P. L.) And whereas it is highly reasonable that the estates real and personal of the subjects or inhabitants of this state who have engaged in the present most unnatural, unjust, barbarous and execrable war, and who shall be duly attainted as guilty of treason, should be discovered and applied to the use of the state, and that provision be made for the satisfaction of all just and lawful claims which any of the dutiful and faithful subjects of this state or of any of the United States of America or of any foreign state not at war with the said United States may have to the estates of such rebels and traitors or against them for any debt or demand whatsoever:

[Section IV.] It is therefore enacted by the authority aforesaid, That all and every the lands, tenements, hereditaments, debts or sums of money, or goods or chattels whatsoever, and generally the estates real and personal of what nature or kind soever they be within this state, whereof the aforesaid Joseph Galloway, John Allen, Andrew Allen, William Allen, the younger, James Rankin, Jacob Duche, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Fouts, Samuel Shoemaker, Reynold Keen and John Biddle or any of them shall have been possessed of, interested in or entitled unto on the fourth day of July in the year of our Lord one thousand seven hundred and

seventy-six or at any time afterwards, in their own right or to their use, or which any other person or persons shall have been possessed of, interested in, or entitled unto, to the use of, or in trust for them, or any of them, shall, according to the respective estates and interests which the persons aforesaid, or any in trust for them, or any of them, shall have had therein, stand and be forfeited to this state, from and after the said twentieth day of April next ensuing, unless they shall respectively render themselves on or before the same day, and abide their legal trial as herein before is directed; and that all and every the lands, tenements, hereditaments, debts, or sums of money, and goods and chattels whatsoever, and generally the estates, real and personal, of what nature or kind soever they be, within this state which any other person or persons who shall be attainted of high treason by virtue or in consequence of this act, shall have been possessed of, interested in, or entitled unto, on the aforesaid fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, or at any time afterwards, in their own right, or to their use, or whereof any other person or persons shall have been possessed of, interested in, or entitled unto, to the use of, or in trust for them, or any of them, shall, according to the respective estates, and interests which the persons to be attainted as aforesaid, or any in trust for them, shall have had therein, or might forfeit by such attainder stand and be forfeited to this state, without any office or inquisition thereof hereafter to be taken or found.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the president or vice-president, and supreme executive council of this state, shall inquire into all such estates, both real and personal, as shall be hereby vested, or intended to be vested in this state; and cause all the rents, issues and profits of the said real estates, until sale thereof, to be levied and paid to the state treasurer for the time being, who is to account for the same as for other public moneys and seize or cause to be seized and sold all such goods and chattels, and collect and receive or cause to be collected, all such debts and sums of money as shall be hereby vested in the state;



and sell, and under the hand of the president or vice-president, and the state seal, convey the said real estates, after the claims relating to them respectively shall be determined, or otherwise dispose of the same in the manner herein after provided; and out of the produce of the said estates, real or personal shall cause payment to be made of such money as shall be due to any claimants upon the same as aforesaid. And the said president or vice-president, and supreme executive council shall from time to time, as occasion shall require, appoint agents or factors, surveyors, messengers, or other necessary officers or persons, for the execution of this act, who are to execute their trust without taking anything for their service (other than such fees, salaries and rewards, as the said president or vice-president and council shall direct and allow in that behalf) and every such person or officer, before he enters on the execution of his employment, shall take the oath or affirmation of allegiance and fidelity, unless he hath already done so prescribed by an act of general assembly passed the thirteenth day of June last, and also an oath for his faithful demeanor in all things relating to the trust reposed in him, and that he will not, directly or indirectly take any fee or reward, or accept the promise of any, for anything to be done by him in the execution of said trust (except what shall be allowed as aforesaid) and that he will not directly or indirectly, have any part or interest in, or make any benefit by discovery of any forfeited or forfeitable estate or interest, intended to be applied to the use of the state, or conceal, or cause, or willingly permit, to be concealed, the same or any part thereof.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the president or vice-president and council may send (upon oath or affirmation of suspicion being first made) their precepts for such persons, books, papers, writings, and records, as they shall think necessary for their information in any matters subject to their inquiry by virtue of this act, without any fee to be paid for the same, and may detain such books or writings, so long as they shall have occasion, and then return them to the persons to whom they belong; and may administer oaths or affirmations, for the discovery of the truth of

the inquiries, to the parties concerned, or to any other persons whatsoever; and that all sheriffs, constables, and other officers and ministers, shall execute such precepts and orders as shall be sent to them by the said president or vice-president and council as they will answer the contrary at their perils; and the said president or vice-president and council may and shall proceed in their inquiries in a summary way, upon the testimony of witnesses and examination of persons interested, upon their oaths or affirmations, inspections and examinations of deeds, writings and records, or by all or any the said ways, or otherwise according to their discretions, as soon as conveniently may be; and shall make a register of the names of all such persons attainted, or to be attainted of high treason by virtue of this act, and of all real and personal estates and interests by this act or otherwise vested in this state by reason of such attainder and by whom such estates were respectively forfeited, and what interests every such person as aforesaid had in any of the premises on the fourth day of July in the year of our Lord one thousand seven hundred and seventy-six, or at any time afterwards, and by what tenures the same were respectively holden, and of all encumbrances to which the said estates were subject before and upon the same day; and if any person summoned to appear before the said president or vice-president and council for discovery of the premises, shall neglect to appear or be examined as aforesaid, the said president or vice-president and council shall commit such person to the common gaol of the county, there to remain without bail or mainprise until he shall submit to be examined; and if any officer shall neglect to give obedience to such precepts or orders the said president or vice-president and council may and shall impose any fine on him, not exceeding one hundred pounds for any one offense, and shall commit him till the fine shall be paid unto the state treasurer for the use of the state.

[Section VII] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That every person, who shall make a full discovery to the said president or vice-president and council of any concealed debt or sum of money, payable unto any person or persons so attainted or to be attainted as aforesaid

(not being a debt by judgment, mortgage, recognizance, or any registered bond or contract,) and shall pay three-fourths thereof before the expiration of three months after such attainders respectively unto the state treasurer for the use of the state, shall be discharged of the entire debt or sum of money aforesaid; but every person indebted as aforesaid who shall neglect to make such discovery within the time aforesaid, shall forfeit double the value of such debt or sum or money, to be recovered by action, bill, suit or information for the use of the state; and all persons who shall be possessed of any personal goods or chattels belonging to any such persons attainted, or to be attainted as aforesaid, when the same shall be forfeited, or at any time afterwards, are hereby strictly charged to discover the same to the said president or vice-president and council within three months after the said attainder; who shall thereupon allow to every such person such proportion as they shall think reasonable for such discovery, not exceeding one full fourth part of the said goods and chattels, or the proceeds thereof; but every person having such goods and chattels in his custody or power, and neglecting to discover the same within the term aforesaid, shall forfeit double the value thereof, to be recovered for the use of the state as aforesaid; and the said president or vice-president and council are empowered to make such compositions or agreements, touching any such debts, or personal goods and chattels, so to be discovered, as they shall think fit and reasonable; and the same shall be valid in law, so as the composition money be paid to the said state treasurer for the use of the state within the times limited by them; and where any of the said debts are secured by bonds or obligations with penalties, or are due upon accounts not adjusted, the said president or vice-president and council are authorized to state and determine the same; and every person, not being so indebted, or possessed of such personal goods and chattels, who shall at any time after one month and before the expiration of four months after such attainders respectively, discover any such debts or personal goods and chattels concealed until the time of such discovery, shall be entitled to so much as the said president or vice-president and council shall judge sufficient, not exceeding one-fourth of such

debts, or of such personal goods and chattels, or the value thereof after recovery of the same, to be paid over to him by warrant of the said president or vice-president and council from time to time on the treasurer; and every person who shall, from and after the expiration of one month and before the expiration of six months after such attainders respectively, discover any lands, tenements, rents, hereditaments and chattels real, forfeited as aforesaid and concealed until the time of such discovery, shall be entitled to such proportion of said lands, tenements, rents, hereditaments, and of chattels real as the president or vice-president and council shall judge to be reasonable, not exceeding one-fourth part thereof, or of the value after recovery; and the president or vice-president and council shall deliver certificates under their hands and seals to every person who shall make such discoveries, specifying the lands, tenements, hereditaments, chattels or real estates, by him so discovered, and the proportion thereof, or of the value, he ought to have in respect thereof; and shall cause to be paid, delivered or conveyed by the president or vice-president under the state seal, such parts and proportions to the said discoverers, their heirs, executors, administrators and assigns respectively; and that as soon as conveniently may be after the time shall be elapsed for entering claims in manner herein after mentioned on the estates real or personal so discovered, as for such estates real or personal, upon which no claim shall be entered; and as soon as conveniently may be after such claims as shall be entered, relating to such estates real or personal respectively, shall be determined. Provided always, That the shares of the estates, real or personal, that shall be allowed to the discoverers, do suffer a deduction proportionable to the claims respectively which shall be made and affirmed thereout.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the president or vice-president and council shall, as soon as conveniently may be, secure all the goods and personal chattels of the said Joseph Galloway, John Allen, Andrew Allen, William Allen, the younger, James Rankin, Jacob Duche, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Fouts, Samuel Shoemaker, Reynold Keen and John

Biddle and also all goods and personal chattels of the person or persons to be named in any proclamation, to be issued as herein before directed, as soon as conveniently may be after the date of such proclamation, in such places, and in the custody of such persons, as shall be thought most proper for preventing the perishing, or any loss or embezzlement thereof and shall make inventories thereof, containing a particular account of all such goods and chattels to whom they belonged, and when and by whom they belonged, and when and by whom they were delivered to the said president or vice-president and council or persons by them appointed to receive them, and they shall also, as soon as conveniently may be from and after the day fixed by this act, or to be prefixed by the proclamations aforesaid for the said rebels and traitors to render themselves, and abide their legal trial, if they do not render themselves accordingly, cause appraisement thereof to be made upon the oaths or affirmations of any two persons, to be appointed by them for that purpose, and shall sell, or cause to be sold, all such goods and chattels so inventoried and appraised, and for that purpose shall cause public notice to be given, ten days at least, of the times and places of sale and of the several particulars to be sold; and the same shall be sold by auction to the best bidder; and they shall cause an entry to be made of the goods and chattels so sold, the buyers' names and places of abode, and the prices. And the said president or vice-president and council shall give a certificate under their hands and seals unto the buyers, expressing the particulars, prices and time of sale, and shall forthwith order the particulars bought and paid for to be delivered to the buyers or their assigns.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the president or vice-president and council may and they are hereby empowered to let, or by factors or agents by them to be appointed as aforesaid, cause to be let, the said forfeited real estates, for any time not exceeding two years, and shall receive the rents, grant acquittances thereof, pay the land taxes thereout and do all things necessary for managing the said estates, until the same shall be sold in manner hereinafter directed.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said president or vice-president and council shall cause a register of the names of all persons so attainted of high treason, and of all real and personal estates and interests by this act vested in the state, or an authentic duplicate thereof to be kept by the secretary, and the same shall be open to the inspection of all persons gratis, who shall demand the same, betwixt the hours of ten and twelve in the forenoon, on any lawful day; and in the said register shall be expressed the dates when the entries of the said estates real or personal were made; and the said secretary shall from time to time transmit an authentic copy of the said register to the justices of the supreme court, or one of them, as soon as conveniently may be, and also, within one month after the date of such entry, transmit another authentic copy thereof to the sheriff of the county, within the limits of which any forfeited real estate is situated; and every such sheriff shall insert the same in a book to be kept for that purpose, which shall be open to any person, gratis, demanding inspection, upon any lawful day, between the hours of ten and twelve in the forenoon; and all the estates and interests entered in the said register by the secretary, upon which no claim shall be entered within the time and in the manner herein after prescribed shall be deemed to be vested in this state, by virtue of this act; and such of the said estates and interests upon which claims shall be entered, shall in like manner be deemed to be vested in this state, subject only to such burden, diminution and eviction, as shall arise from the determination of the said claims.

[Section XI] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said president or vice-president and council may and shall within twelve months after the debts and claims upon the said estates shall be respectively adjudged, or in case there shall be no claim, sell or cause the said estates to be sold by auction to the best and highest bidder, having previously caused public notice to be given, by advertisements in some newspapers within this state, and also in the county where the lands lie, thirty days at least, of the times and places of sale, and of the estates and interests to be sold;

and after the said sale and the payment of the purchase money, the said president or vice-president in council shall under his hand and the state seal give a deed or conveyance thereof unto the buyers, describing the lands and interests sold, and expressing the prices and time of sale, and shall also cause the possession thereof to be delivered to the said buyers or their assigns and if any purchaser shall make default in payment of the consideration money, at the time fixed for the payment thereof, he shall forfeit one-fourth part of the same to be recovered in the name of the state to the use of the state, and a new sale of all such estates may and shall be made in manner aforesaid to any other person. All which moneys so to be received shall be paid to the treasurer for the use of the state and by him be accounted for as other public moneys; subect nevertheless to the drafts of the president or vice-president and council for payment of debts and claims affecting the same, and for salaries of inferior officers and incident charges.

[Section XII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the buyer or buyers of any lands, tenements, hereditaments, or chattels real, sold and conveyed by virtue of this act, shall be seized and possessed thereof free and clear from all encumbrances and claims whatsoever, of any person or persons whomsoever, the quit or chief rents only excepted, according to the contents of his, her, or their conveyance respectively.

[Section XIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That all bodies politic and corporate, and persons whatsoever (except all such forfeiting persons as aforesaid, and all persons having or claiming anything in the premises to the use of or in trust for any such forfeiting persons, or their or any of their heirs, executors, or administrators) having any estate, right, title, interest, use, trust, possession, reversion, remainder, annuity, service, rent, debt, benefit, charge, or encumbrance whatsoever in law or equity upon any messuages, lands, tenements, rents, hereditaments, or any real or personal estate, or any other the premises herein or hereby vested or to be vested in this state, by any settlement, conveyance, judgment, recognizance, extent, or other debt, charge or encum-

brance, which was binding on the forfeiting persons and might have affected their estates, before the times whereon the same shall be vested in this state, by virtue of this act; and also all bodies politic and corporate, and persons whatsoever, pretending right or title to any estate which shall be seized or taken by virtue of this act for the use of the state, and who shall pretend that none of the persons attainted, or to be attainted, in virtue of this act of high treason, was possessed of, or entitled unto, such estate in his or their own right, or to his or their own use, or any other person in trust for them, on the said fourth day of July, one thousand seven hundred and seventy-six, or at any time since, or that they have right or title to such estate, shall within three months from the date of the entry that shall be made in the register kept by the secretary, of any personal estate, and in case of real estates, within six months of the entry of the register to be kept by the sheriff of the county where such estate lies, of the estate or interest out of which such claims and demands ought to be made; enter their respective claims and demands before the justices of the supreme court, in such manner as is herein after mentioned, or in default thereof every such claim and demand shall be null and void to all intents and purposes whatsoever, and the estate charged therewith shall from thence be discharged from the same. And all such claims and demands of infants may be made by their fathers or guardians, or any other persons in their behalf; and all claims of females covert by their husbands, or any other persons in their behalf; and all claims of madmen, idiots, or lunatics by the persons under whose care they shall be at the time of entering such claims; and all such claims shall be made and tendered to the justices of the said supreme court in term time, or to the chief justice in the vacation, written on parchment or paper, and signed by the parties making the same, or such other persons on their behalf as aforesaid, or signed by the attorneys or factors of the party; and such signing shall be testified by two or more credible witnesses who shall subscribe their names to attest the same; and every claimant shall therein particularly express what estate, right, title, interest, use, possession, reversion, remainder, annuity, service, rent, debt, benefit charge, or encum-

brance, he or she claims on any part of the premises and under what grant, gift, settlement, conveyance, security, title or encumbrance; and if such claimant hath or claims any estate, right, title or interest, to any part of the premises, by virtue of any encumbrances or security, the dates and contents thereof, and the witnesses thereto; and if the same be recorded, when and where the same was entered and whether such debt was and really is due, and remains wholly unpaid, and what part and how much thereof has been satisfied by money paid, preception of profits, or by any other ways and means whatsoever; and every such claim shall be transcribed by order of the said court, and entered in books to be provided and kept for that purpose; and the said supreme court shall proceed in a summary way, as well out of as in term time, to hear and determine all such claims; and every decree of said court in the premises shall be final and binding on all parties, in case thirty days, which is hereby allowed to them for reversing or amending such decrees, shall elapse without any proceedings being had or commenced by either party for that purpose.

[Section XIV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the attorney-general, or some council by him authorized, shall provide for making proper answers and defenses, in behalf of the state, to all such claims as shall be offered as aforesaid, and for reversing, affirming or amending the decrees that shall be passed upon such claims, as he shall see cause.

[Section XV.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the justices of the supreme court shall, in a summary way, proceed upon the testimony of witnesses and examination of persons claiming, or otherwise interested, upon their oaths or affirmations, inspection and examination of deeds, writings and records, or by all or any of the said ways, or otherwise according to the circumstances of the case, as soon as conveniently may be, to hear and determine all claims which shall be entered within the times aforesaid and the claimants shall (if required by the said court, or by the attorney-general) upon oath or affirmation answer to the truth of his, her or their claim, and to such proper interrogatories as

the court, or council for the state, shall think fit for the clearing thereof; and upon oath or affirmation produce before the said court, all such deeds, writings and evidences, as are in his, her or their custody or power any wise concerning the said claims or the subject matter thereof.

[Section XVI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That where the claim shall contain demands of any sum or sums of money any wise affecting any of the said forfeited estates, the said president or vice-president and council shall issue out certificates to the claimants for the sums which shall be determined to be due to them severally by the decrees of the said supreme court, with legal interest; and the same shall be paid without any deduction or fee by the said treasurer[s] out of such rents and profits as shall be paid into his hands from the respective estates upon which the said claims are allowed. And where the claim shall contain a demand of any lands, tenements, rents, services, rents charge, hereditaments, or other real estate whatsoever, or any interest therein, and shall be decreed as above said, to be just and legal; in that case the supreme court shall order the sheriff of the respective counties where the same shall lie, to cause possession to be delivered to such claimant, his or her heirs; executors, administrators, or successors, or to whom they or any of them shall appoint; and every such claimant; his or her heirs, executors, administrators or successors, shall enjoy the same, or such estate and interest therein respectively, as shall be adjudged and decreed as aforesaid.

[Section XVII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That all conveyances and assurances of any lands, tenements, rents, hereditaments or real estate whatsoever, made at any time after the fourth day of July in the year of our Lord one thousand seven hundred and seventy-six, by any person who shall be attainted in virtue of this act, for the use of or in trust for himself, his wife, or any of his children (other than such as were made bona fide before and in consideration of marriage, or in performance of some agreement reduced into writing before or in consideration of marriage) and also all other assurances and conveyances made at any time

since the fourth day of July one thousand seven hundred and seventy-six, by any such person, are hereby declared to be and shall forever hereafter be deemed to be fraudulent and no claim shall hereafter be allowed for the same, excepting such assurances and conveyances as have been made since the time aforesaid, or shall be made in time coming for just and valuable causes the said causes being always otherwise manifested and proved than by the writings themselves.

[Section XVIII.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the tenants of the said attainted persons, who shall have paid their respective rents due to them after the fourth day of July, one thousand seven hundred and seventy-six, and before the times of their respective attainders, without fraud or collusion, shall be discharged therefrom on due proof of such actual payments respectively made.

[Section XIX.] (Section XX, P. L.) Provided always, and it is further enacted by the authority aforesaid, That the said justices of the supreme court may and shall order and appropriate such parts of the said forfeited estates, for the support of such traitor's children, or wife and children, if any as to them may appear sufficient, agreeable to an act of general assembly, passed the eleventh day of February last, entitled "An act declaring what shall be treason, and what other crimes and practices against the state shall be misprison of treason."¹

Passed March 6, 1778. See the Acts of Assembly passed November 26, 1778, Chapter 818; November 27, 1778, Chapter 820; March 18, 1779, Chapter 829; March 29, 1779, Chapter 832; April 3, 1779, Chapter 837; (the two Acts of Assembly passed) October 6, 1779, Chapters 853, 854; February 28, 1780, Chapter 878; March 16, 1780, Chapter 895; March 31, 1781, Chapter 932; November 22, 1782, Chapter 997; January 31, 1783, Chapter 1004; March 13, 1783, Chapter 1012; August 6, 1784, Chapter 1103; February 18, 1785, Chapter 1134; March 29, 1788, Chapter 1351; September 27, 1791, Chapter 1584; March 8, 1792, Chapter 1608; April 4, 1792, Chapter 1626; April 11, 1793, Chapter 1687; January 21, 1796, Chapter 1868; March 28, 1799, Chapter 2035; February 19, 1800, Chapter 2104; February 19, 1802, P. L. 62; February 21, 1803, P. L. 348; February 10, 1807, P. L. 27.

¹ Passed February 11, 1777, Chapter 740.

CHAPTER DCCLXXXV.

AN ACT FOR MAKING COMPENSATION TO THOSE WHOSE SERVANTS
AND APPRENTICES HAVE BEEN ENLISTED.

(Section I, P. L.) Whereas a great number of servants and apprentices have been enlisted into the continental army in the said several regiments lately raised for the quota of this commonwealth, by which the public service has been promoted and the private interest of the masters and mistresses greatly endangered:

[Section I.] (Section II, P. L.) Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the master or mistress of any servant or apprentice heretofore enlisted into any one of the regiments raised by this state for the continental army shall and may exhibit his or her indenture or bring other sufficient proof, to the next justice of the peace in any county of this commonwealth and make it appear to such justice that his or her servant or servants, apprentice or apprentices were enlisted into one of the said regiments and how long such servant or servants, apprentice or apprentices had to serve at the time [of] such enlistment and that he, she or they have not received any compensation for the same: And the said justice shall thereupon call to his assistance two reputable freeholders of the county, and the said justice and freeholders shall and they are hereby authorized and empowered to adjudge and determine what compensation such master or mistress shall have for the loss of his or her servant or apprentice; and the said justice and freeholders shall thereupon draw an order on the county treasurer for the sum so adjudged and determined as a compensation for such loss to be paid out of the state taxes; and the said money shall be paid by the said treasurer to the bearer thereof, and the same order and receipt shall

be received from him by the treasurer of this commonwealth in payment for the sum or sums therein specified.

[Section II.] (Section III, P. L.) Provided always, and it is hereby enacted by the authority aforesaid, That the said justices and freeholders shall not be empowered to allow more than at the rate of twelve pounds for each year which such servant may have had to serve; nor more than at the rate of eight pounds for each year which such apprentice may have had to serve at the time of such enlistment, proper regard being always had for freedom dues, and other allowances specified in the indentures or other agreements.

[Section III.] (Section IV, P. L.) And provided also, That no master shall receive any compensation for the loss of his servant or apprentice, who shall not have taken the oath or affirmation of allegiance to this state at the time of his application to the justice.

Passed March 12, 1778.

CHAPTER DCCLXXXVI.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO DISCOURAGE DESERTION AND TO PUNISH ALL SUCH PERSONS AS SHALL HARBOR OR CONCEAL DESERTERS." ¹

(Section I, P. L.) Whereas by an act of general assembly of this commonwealth for the apprehending deserters from the armies of the United States of America, twenty shillings reward was granted, additional to the reward ordered by Congress, to every person for each deserter which they should apprehend and secure within this state: Yet notwithstanding it may be necessary for the benefit of the United States and for hastening [the] to [sic] completion of the quota of troops for this state, to give still further encouragement:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby

¹ Passed February 20, 1777, Chapter 744.

enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, any person who shall apprehend any deserter from any of the regiments of the quota of this state, and carry him before some justice of the peace of the county, and upon proof being made of his being such a deserter, shall then deliver him safely to some secure gaol in this state, or to some continental commissioned officer belonging to the quota of Pennsylvania; which said gaoler or officer shall give to the person so apprehending a receipt or certificate, specifying the same, which said receipt or certificate, besides entitling the said apprehender to the reward appointed by Congress, shall also exempt him from two months actual service in the militia, or any fine in lieu thereof.

Passed March 12, 1778. See the note to the Act of Assembly passed February 20, 1777, Chapter 744.

CHAPTER DCCLXXXVII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE REGULATING OF WAGONS, CARRIAGES, AND PACK-HORSES FOR THE PUBLIC SERVICE."¹

(Section I, P. L.) Whereas by an act of general assembly of the commonwealth of Pennsylvania, entitled "An act for the regulating wagons, carriages, and pack-horses, for the public service,"¹ it is directed that the wagon service be performed in rotation:

And whereas the time of the tour of duty to be performed by the wagons or teams respectively called into the service by virtue of the act, to which this act is a supplement is not limited, by reason whereof discontent and desertion may ensue:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Com-

¹ Passed January 2, 1778, Chapter 780.

monwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all and every the wagons and teams, which now are, or hereafter shall be called into the service of this or the United States of America, in pursuance of the act, to which this act is a supplement, shall continue and remain in such service, for and during the full term of thirty days if not sooner discharged. But if it should happen, that the said term or tour of duty, should expire when such wagons or teams shall be on the way to the place where the loading is to be left, then it shall and may be lawful to keep such team or teams in the service until they return to camp or other place of destination; provided that such detention do not exceed four days over and above the time limited by this act.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any wagon, driver or carter driving his own wagon or team shall desert from said service before the expiration of the time by this act limited, then it shall and may be lawful for the county wagon-master or his assistant, and he is hereby enjoined and required to procure and hire an able bodied driver in the room and place of such deserter, and cause the said team to be brought to the camp, or other place, where necessary, there to complete its tour of duty, exclusive of the time so lost by such desertion, deducing out the hire or wages of said team, the driver's wages and reasonable cost for hiring and procuring such driver, together with the sum of twenty pounds, as a fine on such deserter, to be paid to the state treasurer for the use of the state.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any hired man or servant, driving a team or wagon, shall desert with the team or wagon under his care, such team or wagon shall be sent back by such wagon-master to complete its full tour of duty, exclusive of the time lost by such desertion: And such wagon-master is hereby empowered and required at all times when necessary to hire wagon drivers to fill all vacancies occasioned by desertion or otherways and to deduct the wages for such wagon drivers, with reasonable cost for procuring the same, out of the pay or wagon hire due to the owner or owners of such team, and the said hired wagoner

or servant deserting either with or without his cart or wagon shall be subject to such punishment and penalties as a militiaman deserting in the time of actual service, would suffer by the laws of this state.

(Section V, P. L.) And whereas some of the battalion districts may be too large for one assistant wagon-master at all times to do the duties of him required by law:

Therefore:

[Section IV.] Be it enacted by the authority aforesaid, That it shall and may be lawful for the several county wagon-masters of this state, at such times and places, when and where it may be necessary, to depute as many assistant wagon-masters, to serve pro tempore, as the exigency of affairs may require and that such wagon-masters shall receive the same pay and rations as the assistant wagon-masters are entitled to receive by the act to which this act is a supplement, during the time and as long as they shall remain in actual service and not longer.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the time, or tour of duty shall commence on the day and time when the brigade is formed, and that no number of wagons less than twelve shall be called a brigade, and be entitled to a wagon-master, which said wagon-master shall be allowed forage for one horse while in actual service.

Passed March 12, 1778. See the note to the Act of Assembly passed January 2, 1778, Chapter 780; and the Acts of Assembly passed November 30, 1778, Chapter 821; April 5, 1779, Chapter 844.

CHAPTER DCCLXXXVIII.

AN ACT FOR THE BETTER SECURING AND PUNISHING PERSONS
GUILTY OF THE CRIMES AND OFFENSES THEREIN MENTIONED.

(Section I, P. L.) Whereas divers offenses by law declared capital or felonies of death, have of late been perpetrated, and may hereafter be perpetrated within the city and county of Phil-

adelphia and counties of Bucks and Chester, but by reason of their vicinity to the enemy now in possession of the said city, courts cannot with safety be holden in the city or county where any of the said offenses have been, or shall be committed and prisoners may be rescued by the enemy, and thereby their trial may be prevented, and the course of justice in such cases be obstructed:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all and every the treasons, murders, manslaughters, felonies and offenses whatsoever, which by the laws of the province of Pennsylvania, or by the constitution of this commonwealth, or any law thereof, are declared capital or felonies punishable with death which already have been committed, perpetrated or done, or which hereafter, shall be committed, perpetrated or done in the city or county of Philadelphia and counties of Bucks and Chester or any of them, shall henceforth be inquired of, heard, adjudged and determined before the justices of oyer and terminer and general gaol delivery of this commonwealth, or any two of them, at a court of oyer and terminer and general goal delivery to be held at the borough of Lancaster, in the county of Lancaster by indictments, inquests, and verdicts to be taken of good and lawful men, inhabitants of the said county of Lancaster, in like manner and form as if the fact or facts had been committed, perpetrated or done within the said county of Lancaster; any law, usage or custom to the contrary in any wise notwithstanding.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That the expenses of the judges and of holding the said courts, which otherwise would by law be paid by the said county of Lancaster, shall be paid and defrayed by the county or counties in which the crimes and offenses therein tried shall be perpetrated.

Passed March 13, 1778. Repealed by the Act of Assembly passed August 19, 1778, Chapter 801.

CHAPTER DCCLXXXIX.

AN ACT FOR THE MORE SPEEDY AND EFFECTUAL RECOVERY OF
DEBTS DUE TO THE UNITED STATES OF AMERICA.

(Section I, P. L.) Whereas it is essential to the interest and liberties of the United States of America, that all and every sum and sums of money due to them should be speedily and effectually recovered:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That it shall and may be lawful for Congress or any person or persons by them authorized or empowered for that purpose, to commence, sue and prosecute an action of debt, account render, or upon the case in the name of The United States of America (who are hereby created and made a body politic and corporate within this commonwealth for that purpose) against any person or persons whomsoever, their heirs, executors or administrators, who are or shall be indebted for any money received by them in virtue of any warrant or order of Congress, or of any person or persons appointed by or under them, in any court of common pleas of this state; which said court, upon the return of the process and appearance of the parties, may and shall appoint three or five auditors to state and liquidate the accounts and ascertain the balance due in such action; and the said auditors, or a majority of them, shall proceed in the premises and make their report on oath or affirmation to the court next after their appointment, unless the said court, upon reasonable cause shown by affidavit, shall think it just to allow farther time; and the said report being returned to and approved by the court, shall be recorded, and judgment given and execution awarded thereupon, as is usual in other cases.

Passed March 23, 1778.

CHAPTER DCCXC.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR AMENDING THE SEVERAL ACTS FOR ELECTING MEMBERS OF ASSEMBLY."¹

(Section I, P. L.) Whereas no provision has been made in the acts for electing members of assembly, to require and enjoin the judges of the elections to give early notice to the members who shall be elected of their being so chosen, whereby the meeting of the general assembly has been and hereafter may be delayed, to the great obstruction of public business:

And whereas it is necessary that the persons who shall be chosen members of the executive council be thereof notified:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the judges of the elections who shall meet at their respective court-house, or other places appointed by law, to compare the several lists and certificates, and to cast up the number of votes for each candidate, shall give notice of their being so chosen to each of the members of assembly and executive council who shall be elected, and reside in their respective districts, within four days next after the said meeting of the said judges.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if it shall so happen that the inhabitants of any district shall neglect to hold their election, or if any of the said judges of elections who shall be appointed to meet at their several court-houses or other places appointed by law to compare the several lists and certificates, and to cast up the number of votes for each candidate as the act to which this act is a supplement direct[s], shall neglect to appear at the said

¹ Passed March 1, 1745-6, Chapter 364.

meeting of the said judges; then, and in every such case, the judge of the nearest district to such district where such neglect shall happen, and who shall appear at the said meeting of the said judges, shall give notice as aforesaid to each of the persons who shall be chosen members of general assembly or executive council and reside in those districts where any such neglects shall happen.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That each of the said judges of elections shall for their services in performing the several duties herein enjoined them, receive six pence per mile traveling charges. Provided always, That the said judges shall lay their accounts before two of the commissioners of their respective counties, who shall draw orders, requiring their respective treasurers to pay such judges such sums as they shall think the said judges shall be justly entitled to receive by the directions of this act, for their performing the duties herein enjoined them.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any of the said judges shall neglect or refuse to do and perform the duties herein enjoined them, every such judge so neglecting, shall, for every such offense forfeit and pay to the public treasury of this state, any sum not exceeding twenty pounds for the use of the commonwealth, to be recovered by the commissioners of the county where such offense shall happen, by action of debt.

(Section VI, P. L.) And whereas it hath been found very inconvenient to freemen of the townships of Armagh and Derry in the county of Cumberland to attend the annual election of members of assembly and of the executive council and other elective officers in the fourth district of the said county, as by the above recited act is directed:

[Section V.] (Section VII, P. L.) Be it enacted by the authority aforesaid, That henceforth the said townships of Armagh and Derry shall be a fifth district of the said county of Cumberland, for the purpose of such annual election and that the freemen of the said townships shall hereafter meet on the day by the constitution of this commonwealth appointed for such election at the house of Arthur Buchanan in the said township of

Derry, and there and then elect members of general assembly and other elective officers for the said county according to the [said] constitution and to the laws in such case made and provided, and make return of such election as the other districts of the said county are directed in the supplement herein above recited, anything in the act to which this act is a supplement to the contrary in any wise notwithstanding.

Passed March 23, 1778. See the note to the Act of Assembly passed March 7, 1745-46, Chapter 364.

CHAPTER DCCXCI.

AN ACT FOR THE CALLING IN OF THE BILLS OF CREDIT, ISSUED BY THE LEGISLATIVE AUTHORITY OF PENNSYLVANIA, UNDER THE SANCTION AND AUTHORITY OF THE CROWN OF GREAT BRITAIN, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas sundry persons, preferring their private interest to the public weal, have hoarded up the paper bills of credit of this state, which have been emitted under the sanction and authority of the crown of Great Britain, from an expectation that they will be redeemed let the event of the present glorious struggle for the liberties of this country prove successful or the contrary, and have thereby made an injurious distinction between such bills and the paper bills of credit emitted by Congress, naturally tending to depreciate the latter:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, the bills of credit issued in Pennsylvania, under the authority of the crown of Great Britain on or before the nineteenth day of April in the year of our Lord one thousand seven hundred and seventy-five, shall cease to be legal tender in any payment, whatsoever, except as is hereinafter directed; and

that each and every of the acts of general assembly by which the same or any part thereof, have been made current, shall be, and are hereby repealed, and declared to be null and void; saving and excepting such parts of the said acts as relate to the convicting and punishing of any person or persons counterfeiting or altering the said bills of credit, or uttering the same knowing them to be counterfeit or altered; and also such parts of the said acts as relate to the sinking the bills of credit by taxes, excise or otherwise.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all the said bills of credit issued before the said nineteenth day of April, in the year one thousand seven hundred and seventy-five, shall either be paid into the hands of the state treasurer, who shall thereupon deliver to the payer an equal sum in paper bills of credit emitted either by Congress or this commonwealth, or to the several collectors of the taxes in payment of taxes, which collectors are hereby enjoined to exchange all said moneys offered to them with any other bills, as far as money in their hands will enable them so to do, or into the general loan office of this state in payment of any mortgage moneys there due; provided the said payments be made on or before the first day of June next.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That from and after the first day of June aforesaid all bills of credit issued by any act of general assembly of Pennsylvania struck under the sanction and authority of the crown of Great Britain on or before the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, which shall not be brought in and exchanged as herein before directed, shall be and are hereby declared to be from thenceforth irredeemable; anything contained in the act, by which the same was made current to the contrary hereof in anywise notwithstanding.

(Section V, P. L.) Provided nevertheless, That if any of the said bills of credit shall be in the hands of any person or persons in any of the neighboring states, and the person or persons possessed thereof shall produce the same to the treasurer of this state, on or before the first day of August next together with a

certificate under the hand and seal of one or more justice or justices of the peace of any county in such state, setting forth that he or they had counted, sealed up, and endorsed the same, with his or their name or names, and the sum therein contained on or before the fifteenth day of June next, then, and in that case, the said money shall be exchanged by the said treasurer, as is herein before directed.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all such bills of credit as shall appear by good and sufficient evidence on oath or affirmation, to have been at the time of passing this act, or within twenty days thereafter, in the hands and really and truly the property of any person who hath taken the oath or affirmation of allegiance to this state, or to any of the United States of America, and hath not since taken the oath of allegiance to the King of Great Britain and shall at the time of passing this act be within the lines of the enemy, and which bills of credit shall be presented to the said treasurer, on or before the first day of September next shall also be exchanged as before directed.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said state treasurer is hereby authorized to exchange all the moneys aforesaid that may be received by the trustees of the loan office in pursuance of this act and to make report in writing under his hand of the said bills of credit by him received and shall together with a committee to be appointed from time to time by the general assembly, count, burn and destroy the said bills.

Passed March 23, 1778. See the note to the Act of Assembly passed March 5, 1725-26, Chapter 289.

CHAPTER DCCXCII.

AN ACT TO REVIVE AND PUT IN FORCE THE ACT OF GENERAL ASSEMBLY OF THE PROVINCE OF PENNSYLVANIA, ENTITLED "AN ACT FOR THE RELIEF OF THE POOR,"¹ AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas the act of general assembly of the province of Pennsylvania, passed March the twenty-ninth one thousand seven hundred and seventy-one, entitled "An act for the relief of the poor" has been found by experience, of great utility, and by the limitation thereof is now expired:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said act, entitled "An act for the relief of the poor," and every clause, article, matter and thing therein contained except the clause limiting the continuance of the said act, shall be and is hereby declared to be in full force; anything in the said act to the contrary notwithstanding.

(Section III, P. L.) And whereas the pay allowed to the supervisors of the public roads and highways in and by an act of general assembly of the province of Pennsylvania, entitled "An act for opening and better amending and keeping in repair the public roads and highways within this province,"² is found not sufficient:

Therefore:

[Section II.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That the supervisors of the public roads and highways within this state shall have and receive for their trouble in collecting the several sums to be raised by them respectively, by the direction of the said act, the sum of two shillings in every pound by them collected and ten shillings per diem for each day

¹ Passed March 9, 1771, Chapter 635.

² Passed March 21, 1772, Chapter 653.

they shall attend in overseeing, employing, and directing the workmen upon the public roads and highways within their township; anything in the said act to the contrary notwithstanding.

Passed March 24, 1778. See the notes to the Acts of Assembly passed March 29, 1771, Chapter 635; March 21, 1772, Chapter 653.

CHAPTER DCCXCIII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE REGULATING AND ESTABLISHING OF FEES."¹

(Section I, P. L.) Whereas the fees of many of the civil officers of government as they now stand regulated in and by an act of general assembly of the province of Pennsylvania, passed the twenty-second day of August, one thousand seven hundred and fifty-two, are now by reason of the high and extravagant prices of the necessaries of life become so far inadequate to their expenses while attending on public business, that they must serve the public to the prejudice of their private estates, if some remedy be not provided:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the several fees of the attorney-general, sheriff, coroner, justices of the peace, justices of the orphans' court, prothonotary or clerk of the supreme court, clerk of the court of general quarter sessions and of the peace, prothonotary or clerk of common pleas, clerk of orphans' court, the registers of the several counties, attorneys, constables, jurors, witnesses, and crier of the court, shall from and after the publication of this act be double of the sum and sums as they now stand rated in the said act to which this act is a supplement.

¹ Passed August 22, 1752, Chapter 398.

And that the fees of the master of the rolls and of the several recorders of deeds shall be treble the sum or sums rated in the act, entitled "A supplement to the act, entitled 'an act for acknowledging and recording of deeds.' " ¹

[Section II.] (Section III, P. L.) And be it further enacted, That this act shall be and continue in force for the term of one year only from the publication thereof.

Passed March 26, 1778. See the note to the Act of Assembly passed August 22, 1752, Chapter 398. The act in the text was repealed by the Act of Assembly passed March 16, 1779, Chapter 828.

CHAPTER DCCXCIV.

AN ACT FOR RAISING THE SUM OF SIX HUNDRED AND TWENTY THOUSAND DOLLARS FOR THE USE OF THE UNITED STATES OF AMERICA.

(Section I, P. L.) Whereas by a resolve of Congress of the twenty-second day of November last, it is recommended to the legislatures of the respective states to raise, for the service of the United States of America, in the course of the present year, the sum of five millions of dollars by taxes, to be levied in the proportion in the said resolve mentioned, whereby it appears that the quota or share requested to be raised by this state, is six hundred and twenty thousand dollars; To the end, therefore, that the said requisition may be complied with, and that the aforesaid sum of money may [be] speedily and effectually raised within this state:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said six hundred and twenty thousand dollars shall be assessed, levied and collected on all estates, real and personal, within the city and county of Philadelphia and other the counties of this commonwealth respect-

¹ Passed March 18, 1775, Chapter 706.

ively, and on all single freemen residing within the same, in the quotas or proportions following, to-wit:

On the estates real and personal, within the city and county of Philadelphia, and on all single freemen therein seventy-six thousand five hundred and fifty-three pounds seven shillings and two pence.

On the estates real and personal, within the county of Bucks, and on all single freemen therein fifteen thousand one hundred and forty-one pounds ten shillings and six pence.

On the estates real and personal within the county of Chester, and on all single freemen therein twenty-four thousand three hundred and five pounds, sixteen shillings and six pence.

On the estates real and personal within the county of Lancaster, and on all single freemen therein thirty-two thousand eight hundred and ninety-five pounds, six shillings and seven pence.

On the estates real and personal within the county of York and on all single freemen therein eighteen thousand three hundred and twenty-seven pounds one shilling and eight pence.

On the estates real and personal within the county of Cumberland, and on all single freemen therein seventeen thousand two hundred and twenty-five pounds eighteen shillings and six pence.

On the estates real and personal within the county of Berks, and on all single freemen therein sixteen thousand five hundred and forty-four pounds fourteen shillings and two pence.

On the estates real and personal within the county of Northampton and on all single freemen therein nine thousand five hundred and twenty-four pounds five shillings and four pence.

On the estates real and personal within the county of Bedford, and on all single freemen therein five thousand two hundred and twenty-one pounds eight shillings and six pence.

On the estates real and personal within the county of Northumberland, and on all single freemen therein ten thousand four hundred and seventeen pounds, seven shillings and three pence.

And on the estates real and personal within the county of

Westmoreland and on all single freemen therein six thousand four hundred and fifty pounds.

Which several sums of money so to be levied, shall not be deemed or held as the exact proportions of the said city and county of Philadelphia, or of any of the other counties, but the same shall hereafter be correctly and finally adjusted and ascertained by the legislature of this commonwealth, and any errors that may be discovered in the same, shall be rectified in the public grants to the use of the United States of America for the year ensuing, together with lawful interest from the deficient counties, and if any county shall pay a sum greater than the proportion which shall so appear to be right, then the same county shall have credit for such overplus with lawful interest in the taxes, to be levied in the next year, for the use of the United States.

[Section II.] (Section III, P. L.) And be it further enacted, That the present commissioners of each county, together with the county assessors, or a majority of them, may and shall, and they are hereby authorized, empowered and required, to meet together, at some convenient place in their respective counties, on or before the fourth day of May next or as soon after as may be, and then and there faithfully and impartially to ascertain and fix the quota or proportion of the sum of money charged upon such county, and of the allowance of the treasurer and commissioners and assessors, for their services by this act, which each township within the same ought to bear and pay: And the said commissioners and assessors, shall at the same time nominate and appoint two respectable freeholders in every of the said townships, wards and districts who, together with the assessors of such township, ward or district or any two of them, shall be furnished by the commissioners with a true account of the quota of such township, ward or district and may and shall meet together at such time as they shall appoint within the said township, ward or district, and assess justly and equally the sum of money to be raised and paid by such township, ward or district, together with the cost of levying and collecting the same, and every single freeman who at the time of such assessment shall have attained the age of twenty-one years,

and hath been out of his apprenticeship or servitude for the space of six months (except such person or persons as shall be actually engaged as an enlisted soldier or mariner in the service of the United States of America during the time of levying the same) shall pay the sum of three pounds, which sum so assessed, shall be levied by a collector, to be nominated and appointed by such assessor and freeholders or some two of them, and by him be paid on or before the first day of September next, to the county treasurer retaining thereout the cost of assessing, levying and collecting the same, which may belong to the said commissioners, assessors, freeholders and collectors, to whom he shall pay their several shares.

[Section III.] (Section IV, P. L.) And be it further enacted, That if any of the present commissioners or assessors of the city and county of Philadelphia or any of the other counties within this state, shall refuse or neglect to do and perform all and singular the duties required of him by this act, he shall be fined by the other commissioners or commissioner and assessors of such county in any sum not exceeding one hundred pounds for the use of the state, and they the said two other commissioners, or the said one commissioner and assessors or a majority of them may and shall, and they are hereby authorized, empowered and required to nominate and appoint an able and skilful freeholder, or two able and skilful freeholders, as the case may require of the county where such refusal or neglect shall happen, as commissioner or commissioners for such county for the current year, and if any of the persons appointed collectors of the tax imposed by this act, shall after notice of his appointment refuse or neglect to do and perform all and singular the duties required of him by this act, then and in such case the commissioners and assessors or a majority of them of the county where such refusal or neglect shall happen, shall fine such delinquent collector in any sum not exceeding fifty pounds for the use of the state and appoint another collector to act in his stead.

[Section IV.] (Section V, P. L.) And be it further enacted, That the county treasurers respectively shall be allowed for their trouble in receiving and paying all such moneys as shall come into their hands respectively by virtue of this act, the sum

of seven shillings and six pence for every hundred pounds; and the treasurer of the state shall be allowed for his trouble in receiving and paying all such moneys as shall come into his hands by virtue of this act, the sum of two shillings and six pence for every hundred pounds and no more.

[Section V.] (Section VI, P. L.) And be it further enacted, That the state and county treasurers and the commissioners and assessors, freeholders and collectors, shall be vested with the like powers, take the like qualifications, and be subjected to the same securities, rules, regulations and other penalties as the said treasurers, commissioners, assessors and collectors are entitled or subjected to by direction of an act of assembly, entitled "A supplement to the act, entitled 'An act for emitting the sum of two hundred thousand pounds in bills of credit, for the defence of this state, and providing a fund for sinking the same by a tax on all estates, real and personal, and on all taxables within the same,'"¹ enacted the thirteenth day of October in the year of our Lord one thousand seven hundred and seventy-seven except as is herein before directed.

[Section VI.] (Section VII, P. L.) And be it further enacted, That the treasurer of the city and county of Philadelphia and of each of the other counties, shall pay over all the moneys by them severally received deducting their own commission or allowance, to the treasurer of the state on or before the first day of October next, who shall pay over the same moneys deducting his commission or allowance within one month after, to the continental treasurer, whose receipt therefore shall be a sufficient voucher and discharge to the said state treasurer for the same, and be allowed as such at the settlement of his accounts with a committee of the general assembly.

(Section VIII, P. L.) And whereas the city of Philadelphia, and some parts of the districts and townships adjacent thereto, are now in the possession of, and under the power of the British army, whereby the said city, townships and districts cannot be assessed or rated in the manner heretofore used or agreeable to the directions of this act:

[Section VII.] (Section IX, P. L.) Be it further enacted, That

¹ Passed October 13, 1777, Chapter 767.

the commissioners and assessors for the city and county of Philadelphia may and shall, and they are hereby authorized, empowered and required, to assess the quota aforesaid, apportioned to the city and county of Philadelphia by this act, upon the city, townships and districts respectively, as near to the proportions which the said city bore and paid with respect to the county in the year one thousand seven hundred and seventy-five as may be, and that they fix the shares thereof which each township and district in the said county ought to pay, and the sums so apportioned to the said city, townships and districts respectively which are now in possession of, or subject to the enemy as aforesaid, shall hereafter be raised and paid by a just and equal assessment upon the estates real and personal of the present inhabitants and taxables of the said city, townships and districts to be made by the assessors of the respective wards of the said city, and of the respective townships and districts hereafter to be chosen and elected for that purpose, with the assistance of two able and skilful freeholders to be appointed in each of the wards, townships and districts aforesaid by the county commissioners and assessors for the time being: And in case any dispute shall arise between the persons who are the objects of the before mentioned assessment and the collectors thereof, the proof of non-residence in the said city, townships or districts respectively at the time of passing this act shall lie upon the person or persons who assert the same, and shall be heard and finally determined by the county commissioners of Philadelphia for the time being, or any two of them, at such time and place as they shall appoint.

Passed March 27, 1778. See the Acts of Assembly passed December 5, 1778, Chapter 823; March 20, 1779, Chapter 830; October 10, 1779, Chapter 866; November 25, 1779, Chapter 868; March 18, 1780, Chapter 900; March 25, 1780, Chapter 907; May 30, 1780, Chapter 909; June 1, 1780, Chapter 912; December 19, 1780, Chapter 921; December 23, 1780, Chapter 924; April 7, 1781, Chapter 939; June 25, 1781, Chapter 948.

CHAPTER DCCXCV.

AN ACT FOR REGULATING THE PRICES OF THE SEVERAL ARTICLES
HEREIN MENTIONED FOR A LIMITED TIME.

(Section I, P. L.) Whereas certain persons in this state, instigated by the lust of avarice and devoid of every principle of public virtue and humanity are assiduously endeavoring, by every means of oppression, sharpening and extortion, to accumulate enormous gain to themselves, to the great distress of private families in general and especially of the poorer and more dependent part of the community as well as to the great injury of the public service:

(Section II, P. L.) For the suppression of such nefarious practices:

[Section I.] Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That no person or persons whatsoever within this commonwealth from and after the first day of June next, shall ask, demand, receive, or take any greater or higher prices for any or either of the articles herein enumerated and mentioned than the several prices herein set down and limited, to-wit:

For wheat by the bushel twelve shillings. Merchantable flour by the hundred thirty-three shillings. Rye by the bushel ten shillings. Indian corn by the bushel seven shillings and six pence. Barley by the bushel ten shillings. Oats and spelts by the bushel six shillings. Buckwheat by the bushel five shillings. Whiskey, full prove, by the gallon nine shillings. Good cider by the barrel thirty shillings. Good strong beer by the barrel forty-five shillings. Good pork by the pound, from nine pence to a shilling according to its quality. Beef by the pound, from eight pence to one shilling according to its quality. Firkin butter, tallow, and cheese by the pound, one shilling and three pence. Fresh butter by the pound two shillings. Wool

of a good quality by the pound four shillings. Flax from the swingle by the pound two shillings. Hemp of good quality by the pound one shilling and three pence. Bar iron by the ton eighty pounds. Nail rod iron by the hundred six pounds. Green hides by the pound eight pence. Sole leather by the pound four shillings. Upper leather well finished off by the pound six shillings. Other leather and skins in proportion. Deer skins in the hair of the best quality by the pound five shillings, and others in proportion.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That cloths of all kinds manufactured in this state and all laborers and hirelings' wages both men and women by the day, month or year, together with all tradesmen and manufacturers of all kinds their rates and prices shall be double of what was usual in the year of our Lord one thousand seven hundred and seventy-four and shall be ascertained in case of any controversy by the two nearest justices of the peace whose determination in the premises shall be final between the parties.

Hay by the ton, and wood by the cord in the aforesaid proportions, to-wit, hay where sold for forty shillings shall hereafter be sold for four pounds; and wood where sold for fourteen shillings shall hereafter be sold for twenty-eight shillings and so in proportion for any larger or lesser quantity.

All goods, wares and merchandises of any kind whatsoever now on hand, twenty-five per centum on the price given by the present owner including the carriage, which cost and carriage shall be made appear on oath or affirmation before the next justice of the peace where such goods and merchandise are opened for sale and an invoice of the same shall be left with the said justice for the perusal of the public.

[Section III.] And be it further enacted by the authority aforesaid, That all goods, wares and merchandise brought into this state from any of the United States of North America, shall not be sold at a higher price than twenty-five per centum advance on the first cost, or purchase paid by the importer into this state to which it may be lawful for the importer to add a reasonable charge of carriage by him paid, which said prime

cost and carriage are to be made appear as in the foregoing clause.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That any person or persons whatsoever within this commonwealth who shall ask, demand, receive or take any greater or higher price or prices for any or either of the said several articles herein mentioned and recited shall for every such offense forfeit the goods or other articles so sold or offered for sale as aforesaid or the value thereof, to be recovered with costs of suit before any justice of the peace if five pounds or under, and if more in any court of common pleas within this commonwealth to and for the use of any person who shall sue for the same.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the justices of the peace at their court of general quarter sessions of the peace for the several counties of this state shall have full power to set such reasonable prices on all provisions and victuals sold in the public houses in the said respective counties as they shall see fit which prices shall be published by the crier at the conclusion of their said respective sessions and fixed upon the court-house door for public view.

Passed April 1, 1778. See the Act of Assembly passed May 25, 1778, Chapter 799. The act in the text was repealed by the Act of Assembly passed September 9, 1778, Chapter 812.

CHAPTER DCCXCVI.

AN ACT FOR THE FURTHER SECURITY OF THE GOVERNMENT.

(Section I, P. L.) Whereas the welfare and happiness of the good people of this commonwealth do next under God, entirely depend upon the maintaining and supporting the independence and sovereignty of the state as declared by Congress:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the

Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all male white inhabitants of this state above the age of eighteen years, who have not hitherto taken the oath or affirmation mentioned and appointed to be taken in the act of assembly, entitled "An act obliging the male white inhabitants of this state to give assurance of allegiance to the same, and for other purposes therein mentioned,"¹ enacted the thirteenth day of June last shall on or before the first day of June next take and subscribe the same in manner and form as by the said act is directed; and that every such person neglecting to take the said oath or affirmation, shall during the time of such neglect be liable to all the disabilities, incapacities and penalties to which they are subjected by the said act; and also shall be disabled from and after the said day, to sue or use any action, bill, plaint, or information, in course of law, or to prosecute any suit in equity or otherwise howsoever, or to be guardian of the person and estate of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, or to make any will or testament, and moreover shall be liable and compelled to pay double the taxes, which another person of equal estate, who has taken such oath or affirmation, shall be rated or assessed at, to be levied by the collector of the public taxes of the township, ward or district in which such offender dwells.

[Section II.] (Section III, P. L.) And be it further enacted, That all trustees, provosts, rectors, professors, masters and tutors of any college or academy, and all schoolmasters and ushers; merchants and traders; and every person who shall act as sergeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk or notary, by practicing in any manner as such in any court or courts whatsoever; apothecary or druggist, and every person practicing physic or surgery in any manner for fee or reward; who shall at any time after the first day of June next, be admitted into or enter upon any of the before mentioned preferments, offices or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment or business as aforesaid without having

¹ Passed June 13, 1777, Chapter 756.

first taken and subscribed the before mentioned oath or affirmation, he or they shall be ipso facto adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have, occupy or enjoy the said preferment or preferments office or offices, employment or employments or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them, or any of them, and every such office or place of trust shall be void and is hereby adjudged void; and any person that shall be lawfully convicted of the premises, or any of them in or upon any presentment, or indictment in any court of record in this state, shall also forfeit any sum, not exceeding five hundred pounds, which the court shall adjudge, together with costs, one-half of which said fine shall go to the use of the State, and the other half to him, her or them who shall commence and carry on such prosecution with effect.

[Section III.] (Section IV, P. L.) And be it further enacted, That from and after the said first day of June next, it shall and may be lawful for two or more justices of the peace within any county, to direct their precept to any constable or other officer, to summon any male white person, of the age of eighteen years or upwards, who shall have neglected to take and subscribe the oath or affirmation before mentioned, to appear before such justices at such time and place as shall be mentioned in such precept to take the said oath or affirmation; and if such person so summoned shall not appear at the time and place having no lawful let or impediment, or appearing shall refuse or neglect to take such oath or affirmation, being tendered to him by the said justices, the said justices shall commit such person making default or refusing to take the said oath or affirmation, to the common gaol or house of correction, there to remain without bail or mainprise for the space of three months, unless such offender shall pay down to such justices such sum of money, not exceeding ten pounds, as the said justices shall require such offender to pay, together with legal costs, which money, exclusive of the costs shall be paid to the overseers of the poor of the city, borough or township where such offender did last inhabit; or if such offender shall refuse or neglect to pay such sum of money, the said justices may cause the said sum of money to-

gether with the costs, to be levied by distress and sale of the goods and chattels of such offender, as they in their discretion shall think best; and unless such offender shall become bound with two sufficient sureties with condition to appear at the next court of general quarter sessions of the peace to be holden for such county where such offender shall inhabit or reside, and in the meantime to be of good behavior; at which court the said oath or affirmation shall be tendered to such offender by the justices in their open sessions; and if upon such tender such offender shall refuse to take the said oath or affirmation, the same shall be recorded, and the said offender shall within thirty days after such refusal depart this state under the direction of the court, and he shall incur the forfeiture of his goods and chattels to the state, and all his lands and tenements to the person or persons who would by law be entitled to inherit the same in case such offender was dead intestate; Provided, That if such person or persons is a male or are males, and of the age of eighteen years or upwards, and resident within such county, he or they do some time during the same or the next sessions, or, if resident in any other county of this state, at or before the third sessions appear in court and take and subscribe the oath or affirmation aforesaid, or produce a certificate or certificates of his or their having previously taken and subscribed the same, which shall be entered by the clerk of the said court on the docket or records thereof, and an authentic copy of such entry shall be by such clerk delivered to such person or persons under the seal of the court, for which he shall receive the sum of seven shillings and six pence and no more; and if such person or persons is or are absent out of this state at such sessions when such refusal shall be recorded as aforesaid, and shall return into the same on or before the fourth day of July which will be in the year one thousand seven hundred and seventy-nine, then he or they shall appear in court before the end of the second sessions after his or their return into this state, and take and subscribe the said oath or affirmation or produce a certificate or certificates of his or their having previously done the same; and in case of default herein such person and persons shall be totally excluded and barred from inheriting the aforesaid lands and tenements, or

any part thereof, and the same shall vest in and be settled upon the next representative or representatives in succession to the offender, qualifying him or themselves as above directed.

[Section IV]. (Section V, P. L.) And be it further enacted, That every such person who shall refuse or neglect to take the oath or affirmation before mentioned on or before the said first day of June next, and shall refuse or neglect to deliver up his arms to the lieutenant, or one of the sub-lieutenants, of the city or county where he inhabits, on or before the tenth day of June next or who shall, from and after the same day last-mentioned, carry any arms about his person or keep any arms or ammunition in his house or elsewhere, shall forfeit the said arms and ammunition to the state, and also double the value thereof to such person or persons who shall discover the same to any justice of the peace of the county where such offender resides, and shall legally prosecute him to conviction before two or more justices of the peace for the said county, who are hereby authorized, empowered and required to hear, try, and finally determine the same and to award the legal costs without appeal to the supreme or any other court whatsoever.

(Section VI, P. L.) And whereas many persons have frequently gone into the city of Philadelphia, since the same has been in possession of the British army, under a pretence of business, or of visiting friends, but probably with a view of giving intelligence to the enemy:

For the prevention of which in future:

[Section V.] Be it enacted, That if any person whatsoever shall, from and after the publication of this act on any pretence whatsoever, go by land or water through or from any part of this state into the said city, whilst in possession of the British army, or within the lines of the enemy in any part of this state, without obtaining leave in writing for that purpose from Congress, the commander in chief of the armies of the United States of America, or of the executive council of this commonwealth, and shall be lawfully convicted thereof in any court of oyer and terminer and general gaol delivery, or court of quarter sessions of the peace of any county of this state, he or she shall be fined in any sum, not less than fifty pounds, and imprisoned at the dis-

cretion of the court, one moiety of which fine shall be to the use of the state, and the other moiety thereof to the use of the informer. Provided always, That officers and soldiers, or marines in the service of the United States of America, are not to be deemed or taken to be within the intent and meaning of this clause.

[Section VI.] (Section VII, P. L.) And be it enacted by the authority aforesaid, That all disabilities and incapacities which any person or persons shall incur or be liable to by reason of the said recited act of the thirteenth day of June last, or of the supplement thereto of the twelfth day of October last, or of this act, shall be and continue for and during the life of the delinquent or offender.

(Section VIII, P. L.) And whereas there are divers persons who have heretofore held and exercised office or offices or trusts in the late government of Pennsylvania by commission or commissions granted under the authority of the crown of Great Britain, who have neglected to renounce the same and give assurance of allegiance to this state, and who may think themselves bound by their oath to betray, as far as in them lieth, this free and independent state into the hands of its enemy the King of Great Britain, to the great and manifest danger of the state:

[Section VII.] Be it therefore enacted, That all and every person and persons who now are, or who shall hereafter during the present war be within this state, who have heretofore held and exercised, or who do now hold or exercise any office or offices by commission or commissions under the authority of the said crown of Great Britain, and who have not already renounced the same, by taking the oath of allegiance to this state or to some other of the United States of America, or who shall not on or before the first day of June next or within ten days after he or they shall come into the same, renounce such commission or commissions by taking the oath of allegiance by the said act enacted the thirteenth day of June last, or by the supplement to the said act enacted the twelfth day of October last, required to be taken, shall forfeit his or their goods and chattels, lands and tenements, to the use of the state, and shall be deemed

and taken to be, and shall in all other respects be treated as an enemy or enemies of the state.

[Section VIII.] (Section IX, P. L.) Provided always, nevertheless, That any person or persons except those who have been or shall be guilty of treason or misprison [of treason] who shall choose to sell his or their estates real and retire out of the state and shall on or before the first day of June next apply to the executive council of this state, and pray leave to sell and convey their estates real, it shall and may be lawful for the said council if they shall think it proper and consistent with the safety of the state, to grant, and they are hereby authorized and empowered to grant a permission under the great seal of the state and signed by the president or vice-president in council to such person and persons to sell, convey and confirm within ninety days after such application, his or their estates real, to any persons or persons, their heirs and assigns forever, which person and persons shall have taken the oath or affirmation of allegiance to this state, which by the act and supplement mentioned in this act is required to be taken, and who shall before some one justice of the peace of this state, on oath or affirmation declare, that the purchase and grant of such estate or estates were bona fide for the use and behoof of such purchaser, his heirs and assigns forever and that the same nor any part or parcel thereof was not in trust for the use of the grantor, his heirs or assigns in any manner whatsoever; quit-rents, commonly called proprietary quit-rents, manors, commonly called proprietary manors, and unlocated lands, only excepted. And the deeds or conveyances by which such estate and estates respectively are granted, conveyed and confirmed, expressing and reciting the permission granted by the said council, the same shall be deemed and taken to be good and valid in the law, anything in this act or the act and supplement herein-before mentioned to the contrary hereof in anywise notwithstanding.

[Section IX.] (Section X, P. L.) And be it further enacted, That the act entitled, "An act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned,"¹ enacted the thir-

¹ Passed June 13, 1777, Chapter 756.

teenth day of June last, and the supplement thereto, enacted the twelfth day of October last¹ and every clause, matter and thing therein contained, except such parts thereof as are by this act altered, amended or supplied, shall be and remain in full force and effect; anything herein contained to the contrary notwithstanding.

Passed April 1, 1778. See the note to the Act of Assembly passed June 13, 1777, Chapter 756; and the Acts of Assembly passed September 2, 1778, Chapter 807; September 10, 1778, Chapter 813; December 5, 1778, Chapter 822; March 31, 1779, Chapter 836; October 1, 1779, Chapter 852; September 13, 1785, Chapter 1175; March 4, 1786, Chapter 1206; March 29, 1787, Chapter 1294; (repealed by the Act of Assembly passed) March 13, 1789, Chapter 1396.

CHAPTER DCCXCVII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO PREVENT FORESTALLING AND REGRATING AND TO ENCOURAGE FAIR DEALING."²

(Section I, P. L.) Whereas there are no persons appointed in the act to which this is a supplement whose duty it is more particularly to make inquiry after offenders against the same and the commissioners named therein have not in some instances sufficient power and authority to carry the same into execution:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the commissioners of clothing appointed by an act entitled "An act for the better supply of the armies of the United States of America,"³ and each of them for the respective county in which they reside be appointed and they are hereby authorized, enjoined and required to make diligent search and inquiry after offenders against the same; and

¹ Passed October 12, 1777, Chapter 765.

² Passed January 2, 1778, Chapter 779.

³ Passed January 2, 1778, Chapter 782.

by all lawful ways and means to search for, and seize all such goods enumerated by the said act to which this is a supplement, and by the said act liable and ordered to be seized; and having discovered and seized the same to make a true return thereof to the commissioners mentioned in the said act or to some one or more of them, who are hereby authorized and required to receive and take care of the same until they shall be disposed of as the said law directs. Provided, That no doors or locks shall be broken in order for such search or seizure unless an oath or affirmation be first made and a warrant granted in consequence thereof by some justice of the county.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That the commissioners aforesaid, before they enter farther upon the duty required of them by this act and the act to which this is a supplement shall respectively take and subscribe before some justice of the county, the following oath or affirmation, viz.:

I do swear or affirm (as the case may be), that I will well and truly execute the trust reposed in me, and perform the duty required of me by this act and by the act to which this act is a supplement according to the best of my skill and ability.

And having taken and subscribed the oath aforesaid they and each of them shall be and they are hereby empowered to administer an oath or affirmation to such person or persons as shall apply to them for permits or license aforesaid, or in any other matter or thing which may relate to the truth of returns of the said enumerated articles required to be returned to the said commissioners or that may relate to the truth of the reputation and qualification of the person so applying for such permit or license, and also administer the oath or affirmation following to each of the persons hereinbefore named to search for and seize such goods aforesaid, viz.:

"I,, do swear or affirm that I will well and truly execute the trust reposed in me, and perform the duties required of me by this act according to the best of my skill and ability."

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all and every of such commission-

ers are enjoined and required to have a due regard to an act, entitled, "An act to prohibit the sale of goods, wares and merchandise by public vendue and to regulate peddlers and hawkers in this state,"¹ that they grant no such permit to any person or persons as are in the said act debarred from the privilege of going about as a peddler or hawker in this commonwealth.

Passed April 1, 1778. See the note to the Act of Assembly passed January 2, 1778, Chapter 779. The Act in the text was repealed by the Act of Assembly passed March 22, 1780, Chapter 904.

CHAPTER DCCXCVIII.

AN ACT TO EMPOWER THE JUSTICES OF THE COUNTY OF BUCKS TO HOLD COURTS AT OTHER PLACES THAN USUAL AND FOR THE REMOVAL AND SAFE CUSTODY OF THE RECORDS AND OTHER PUBLIC PAPERS OF THE SAID COUNTY.

(Section I, P. L.) Whereas the invasion of this commonwealth by the enemy hath rendered the holding of the court of common pleas and the general quarter sessions of the peace and gaol delivery in and for the county of Bucks at the place where the same have usually been held and the continuance of the records and other public papers, and the attendance of the clerks of the several public offices at the office erected at Newtown for these purposes extremely dangerous and inexpedient:

[Section I.] (Section II, P. L.) Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly [met], and by the authority of the same, That the justices and judges of the courts of common pleas and general quarter sessions of the peace and gaol delivery in and for the county of Bucks, shall be and they are hereby authorized and empowered to hold the said courts respectively at the times appointed by law and in such places as to the said justices and judges respectively or any three of them

¹ Passed June 19, 1777, Chapter 761.

may appear to be right and necessary, giving public notice of the said place ten days at least before the said court. And the records and other public papers belonging to the said county may and shall be removed to such place of safety out of the reach of the enemy as the respective officers who are or shall be lawfully appointed to hold or take possession of the same, from time to time may judge to be most proper until otherwise ordered by the supreme executive council of this commonwealth.

(Section III, P. L.) And whereas the common gaol of the said county of Bucks is not at a sufficient distance from the enemy:

[Section II.] Be it enacted by the authority aforesaid, That it shall and may be lawful for the respective sheriffs, coroners, justices of the peace, and other peace officers of the said county to imprison and detain in such places as they may respectively appoint, such persons as would in the usual course of justice have been confined in the said common gaol; and where the party committed is or may be charged with felony or any capital offense, he, she, or they may be sent to and confined in the gaol of either of the adjacent counties.

[Section III.] And be it further enacted by the authority aforesaid, That an act passed on the twenty-first day of March in the year of our Lord one thousand seven hundred and seventy-two, entitled "An act for the safe keeping and preserving the records and other public papers of the county of Bucks,"¹ is hereby repealed and every part and clause therein contained are declared to be null and void.

Passed April 1, 1778. Repealed by the Act of Assembly passed August 19, 1778, Chapter 801.

¹ Passed March 21, 1772, Chapter 650.

Laws enacted in the third sitting of the second General Assembly of the commonwealth of Pennsylvania, which began at Lancaster, on Wednesday, the 13th day of May, 1778.

CHAPTER DCCXCIX.

AN ACT FOR SUSPENDING FOR A LIMITED TIME THE ACT, ENTITLED "AN ACT FOR REGULATING THE PRICES OF THE SEVERAL ARTICLES HEREIN AFTER MENTIONED FOR A LIMITED TIME."¹

(Section I, P. L.) Whereas the honorable the continental Congress taking into their most serious consideration the exorbitant prices of every kind of merchandise and necessaries of life, have, by a resolve earnestly recommended it to each of the United States to enact laws for the purpose of regulating the prices of all goods, wares and merchandise and also manufacturers' and laborers' wages, and likewise recommended conventions of delegates from each of the said United States to meet at certain times and places mentioned in the said resolve for the purpose of agreeing mutually upon certain principles as the basis of the aforesaid laws:

And whereas this house ever willing to do all that in them lies for the public utility consistent with the good of their constituents deeply impressed with the necessity and expediency of such general regulations and at the same time hoping for the concurrence of their sister states have enacted a law on the first day of April last, entitled "An act to regulate the prices of the several articles herein mentioned for a limited time,"¹ as nearly upon the principles of equity and justice as possible, and at the same time suspended the operation of the said law until the

¹ Passed April 1, 1778, Chapter 795.

first day of June next, in order to know what our neighboring states had done or would do in the aforesaid regulation:

And whereas it appears that similar laws are enacted by few of the other states and that some of those are about to repeal or suspend theirs for a certain time, and it would be greatly injurious to the good people of this state to reduce the prices of the several articles mentioned in the said act, when at the same time our neighbors are selling them at a much higher rate:

And whereas it appears that by the blessing of God the time is not far distant when the manufacturers of Europe will flow in upon us and then trade will regulate itself with a more equal hand than it is possible for any human law to do. The good effects of which begin already to appear by the daily falling of the price of goods:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, That the act, entitled "An act for regulating the prices of the several articles herein mentioned for a limited time,"¹ and every clause, matter and thing therein contained shall be and are hereby suspended from the first day of June next until the eighth day of September next, and from thence to the end of the next sitting of the general assembly; anything contained in the said act to the contrary notwithstanding.

Passed May 25, 1778. See the note to the Act of Assembly passed April 1, 1778, Chapter 795.

CHAPTER DCCC.

A SUPPLEMENT TO THE ACT ENTITLED AN ACT FOR THE CALLING IN OF THE BILLS OF CREDIT ISSUED BY THE LEGISLATIVE AUTHORITY OF PENNSYLVANIA UNDER THE SANCTION AND AUTHORITY OF THE CROWN OF GREAT BRITAIN AND FOR OTHER PURPOSES HEREIN MENTIONED.¹

(Section I, P. L.) Whereas by an act of general assembly enacted the twenty-third day of March last, entitled "An act for

¹ Passed March 23, 1778, Chapter 791.

calling in of the bills of credit issued by the legislative authority of Pennsylvania under the sanction and authority of the crown of Great Britain and for other purposes therein mentioned,"¹ it appears that the said act only refers to, and includes all the bills of credit issued under the authority of the crown of Great Britain aforesaid on or before the nineteenth day of April in the year one thousand seven hundred and seventy-five. But an emission of bills of credit issued under the authority aforesaid amounting to twenty-two thousand pounds made current by an act of assembly enacted the thirtieth day of September in the year one thousand seven hundred and seventy-five, which bills of credit bear date the twenty-fifth day of October, one thousand seven hundred and seventy-five had at that time escaped the notice of the general assembly: And it being their intention to call in all the bills of credit issued under the authority of the King of Great Britain:

Therefore to remedy the aforesaid defect:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all the bills of credit issued by virtue of the aforesaid act, enacted the thirtieth day of September, one thousand seven hundred and seventy-five, entitled "An act for the support of the government of this province and payment of public debts,"¹ shall be and are hereby declared to be within the intent and meaning of the act of general assembly, entitled "An act for calling in of the bills of credit issued by the legislative authority of Pennsylvania under the sanction and authority of the crown of Great Britain, and for other purposes therein mentioned,"¹ enacted the twenty-third day of March last as fully and as amply to all intents and purposes as if the bills of credit aforesaid had been particularly mentioned in the said act and shall be subject to be exchanged by the same persons and destroyed in the same manner that other bills of credit issued under the authority of Great Britain aforesaid are by the said act directed to be exchanged and destroyed: Provided that such exchange be made on or before the first day of July next, at

¹ Passed September 30, 1775, Chapter 715.

which time the said bills of credit shall cease to be legal tender in payment of any debt, and shall be from thenceforth irredeemable, anything contained in the act by which they were made current to the contrary notwithstanding; and the act by which the said bills of credit were emitted shall be and is hereby repealed except such parts of the said act as relate to the conviction and punishing any person or persons counterfeiting or altering the said bills of credit or uttering the said bills knowing them to be counterfeited or altered; and excepting also so much of the said act as relates to sinking the said bills.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the publication of this act all the bills of credit emitted and made current by resolves of the continental Congress shall pass current in this state in the payment of all debts in as full and as effectual a manner as bills of credit emitted and made current by virtue of an act of general assembly, entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the defence of this state and providing a fund for sinking the same by a tax on all estates real and personal and on all taxables within the same,"¹ and any person or persons refusing the said bills of credit shall be and they are hereby declared to be subject to all the fines, forfeitures and penalties that such persons were or are subjected to for refusing the bills of credit emitted by the act of general assembly last mentioned.

(Section IV, P. L.) And whereas there is no provision made by law for the conviction and punishment of any person or persons for counterfeiting, forging, altering or uttering any of the counterfeited, forged or altered continental bills of credit emitted since the enacting of a law entitled "An act for making the continental bills of credit and the bills of credit emitted by resolves of the late assemblies legal tender and for other purposes therein mentioned."² Knowing them to be such, or for punishing the counterfeiting the continental loan office certificates that have been granted since the enacting a law, entitled "An act for

¹ Passed March 20, 1777, Chapter 752.

² Passed January 29, 1777, Chapter 738.

punishing the counterfeiting the continental loan office certificates and lottery tickets.”¹

(Section V, P. L.) For remedy whereof:

[Section III.] Be it enacted by the authority aforesaid, That if any person or persons who have counterfeited or shall hereafter counterfeit, forge, alter or utter any of the aforesaid counterfeited, forged or altered continental bills of credit or loan office certificates emitted, granted or issued since the enacting of the said laws, knowing them to be such, and shall be thereof legally convicted, he or they shall suffer all the pains and penalties, fines and forfeitures which should or ought to be inflicted on any person or persons counterfeiting, forging or altering the bills of credit of this state by virtue of an act entitled “An act for emitting the sum of two hundred thousand pounds in bills of credit, for the defense of this state, and providing a fund for sinking the same.”²

Passed May 25, 1778. See the note to the Act of Assembly passed March 23, 1778, Chapter 791.

¹ Passed March 20, 1777, Chapter 753.

² Passed March 20, 1777, Chapter 752.

Laws enacted in the fourth sitting of the second General Assembly of the Commonwealth of Pennsylvania, which commenced at Philadelphia on the fourth day of August, A. D. 1778.

CHAPTER DCCCI.

AN ACT TO REPEAL THREE SEVERAL ACTS OF GENERAL ASSEMBLY OF THIS COMMONWEALTH, TO WIT, THE ACT, ENTITLED "AN ACT TO EMPOWER THE JUSTICES OF PHILADELPHIA AND CHESTER COUNTIES TO HOLD COURTS AT OTHER PLACES THAN USUAL,"¹ ONE OTHER ACT, ENTITLED "AN ACT FOR THE BETTER SECURING AND PUNISHING PERSONS GUILTY OF THE CRIMES THEREIN MENTIONED,"² AND THE ACT, ENTITLED "AN ACT TO EMPOWER THE JUSTICES OF THE COUNTY OF BUCKS TO HOLD COURTS AT OTHER PLACES THAN USUAL AND FOR THE REMOVAL AND SAFE CUSTODY OF THE RECORDS AND OTHER PUBLIC PAPERS OF THE SAID COUNTY."³

(Section I, P. L.) Whereas at the time when the enemy's grand army was in possession of the city of Philadelphia and its environs, and frequently made sudden incursions into the adjacent counties of Chester and Bucks, three several acts of general assembly were made for the advancement and more certain administration of public justice in the several counties of Philadelphia, Chester and Bucks, and for the safety of the public records of the said county of Bucks:

(Section II, P. L.) And whereas upon the retreat of the said army from this state the provisions made by the said three several acts are become unnecessary and the respective courts of justice, records and prisons may from henceforth be safely held and kept at the usual places appointed by law:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met,

and by the authority of the same, That the three several acts of general assembly following, to-wit, the act entitled "An act to empower the justices of Philadelphia and Chester counties to hold courts at other places than usual."¹ One other act, entitled "An act for the better securing and punishing persons guilty of the crimes therein mentioned."² And the act, entitled "An act to empower the justices of Bucks county to hold courts at other places than usual and for the removal and safe custody of the records and other public papers of the said county,"³ and every clause, matter and thing in the said acts and each and every of them shall be and they are hereby declared to be repealed.

[Section II.] (Section IV, P. L.) Provided always and be it further enacted by the authority aforesaid, That every [act] matter and thing by virtue and in pursuance of any of the said three acts of general assembly, done before the publication of this act, shall be taken, deemed and adjudged to be good and available in law and that all informations, presentments and indictments found, made and taken and all other proceedings and process commenced and issued under the authority of any of the said three several acts and not determined before the publication of this act shall be continued, proceeded on and determined in the city or county respectively where the crimes or offenses were committed, or the cause of action had arisen.

Passed August 19, 1778.

CHAPTER DCCCII.

AN ACT TO INDEMNIFY WILLIAM DEWEEES ESQUIRE THE LATE SHERIFF AND JAMES CLAYPOOLE ESQUIRE THE PRESENT SHERIFF OF THE CITY AND COUNTY OF PHILADELPHIA FOR REMOVING THE PRISONERS FROM THE NEW GAOL, AND IMPRISONING THEM AND OTHERS IN THE OLD GAOL IN THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas it was in and by an act of assembly of the province of Pennsylvania, entitled "An act for erecting

¹ Passed December 20, 1777, Chapter 769.

² Passed March 13, 1778, Chapter 788.

³ Passed April 1, 1777, Chapter 798.

a new gaol, workhouse [and house] of correction in the city of Philadelphia,"¹ passed on the twenty-sixth day of February in the year of our Lord one thousand seven hundred and seventy-three, enacted and provided, That as soon as the new gaol, workhouse and house of correction by the said act directed to be built in the said city should be builded and finished that all the folons, criminals and others then confined in the old gaol, workhouse and house of correction in the said city should be removed to the new gaol, workhouse and house of correction by the said act directed to be built:

(Section II, P. L.) And whereas the said new gaol, workhouse and house of correction were accordingly built, and the prisoners aforesaid removed to the same:

(Section III, P. L.) And whereas the said new gaol was afterwards to-wit, on or about the twenty-second day of July in the year of our Lord one thousand seven hundred and seventy-six yielded up to the Congress of the thirteen United States of North America for a military prison, and hath been since occupied as a military prison, and may be needed for that purpose for some time yet to come:

(Section IV, P. L.) And whereas it is just and proper that the late and present sheriffs of the city and county of Philadelphia be indemnified for using the said old gaol, and holding felons, criminals and other prisoners therein as though the said old gaol had been and was still the gaol of the said city and county, and that the sheriffs of the said city and county be enabled to keep and hold felons, criminals and other prisoners in the said old gaol for a limited time in like manner as the said sheriffs may lawfully hold such felons, criminals and other prisoners in the proper gaol of the said city and county:

Wherefore:

[Section I.] (Section V, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That William Dewees, Esquire; who was high sheriff of the city and county of Philadelphia, for and during the year ending the fourteenth day of October which was

¹ Passed February 26, 1773, Chapter 673.

in the year of our Lord one thousand seven hundred and seventy-six, and James Claypoole, Esquire, the present high sheriff of the said city and county and their deputies and every of them shall be and are hereby indemnified and saved harmless against all and all manner of suits and actions which may lie or be brought against them or any of them by reason of the keeping and imprisoning of any person or persons in the said old gaol who ought to have been holden in the proper gaol of the said city and county and that if any such suit or action be brought the same shall be hereby barred and the proceedings discontinued by the court.

[Section II.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the sheriffs of the city and county aforesaid may keep and hold in the said old gaol, any felons, criminals and other prisoners who shall be liable to be kept and holden in the gaol of the said city and county from this time for and during the term of one year, or for such shorter time as the Congress shall detain the proper gaol of the said city and county in like manner as if the said gaol had continued to be the lawful gaol of the said city and county, and that all such future keeping and imprisonment not exceeding one year, shall be and are hereby declared to be good and valid to all intents and purposes, and that the sheriffs of the said city and county be hereby enabled and required to remove all prisoners who may be lawfully confined in the said old gaol at the time when he shall become re-poss[ess]ed of the said new gaol as aforesaid from the said old gaol to the proper and lawful gaol of the said city and county.

Passed August 27, 1778. See the note to the Act of Assembly passed February 26, 1773, Chapter 673; and the Act of Assembly passed October 8, 1779, Chapter 860.

CHAPTER DCCCIII.

AN ACT FOR MAKING VALID THE TITLE OF LANDS HELD UNDER PERSONS BORN OUT OF THE ALLEGIANCE OF THE CROWN OF GREAT BRITAIN AND WHO HAVE DIED NOT HAVING BEEN NATURALIZED.

(Section I, P. L.) Whereas the many advantages to be derived from the settling of a new and fertile country under a government more free than some of those of the European states, induced many persons not born in allegiance to the crown of Great Britain, to settle in Pennsylvania while it remained subject to that crown, and confiding in the justice and equity of the then government and assurances given by the late William Penn, Esquire, lay [sic] [laid] out their money in lands and improved the same with great industry, and have thereby acquired a just and equitable title thereto, and many of them died not having been naturalized, whereby their titles in the law were defective and the attempts of the legislature under the said government to remedy the inconveniences and hardships arising thereby to the heirs, devisees and assigns of such persons have through the rigid policy of Great Britain been rendered ineffectual and abortive:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the heirs, devisees and assigns of persons born out of the allegiance of the Crown of great Britain, and who have removed to this or any of the adjoining states for the purpose of settling, and who have died not having been naturalized shall hold their estates respectively as if such persons so having died and not having been naturalized had been born in allegiance to the said Crown of Great Britain, or had been naturalized by law in due form made and enacted for that purpose, any law, usage or custom to the contrary thereof in any wise notwithstanding.

Passed August 31, 1778. See the Acts of Assembly passed February 11, 1789, Chapter 1387; February 23, 1791, Chapter 1528; March 8, 1792, Chapter 1607; February 12, 1795, Chapter 1795; April 11, 1799, Chapter 2088; February 10, 1807, P. L. 23; March 20, 1811, P. L. 86; January 17, 1812, P. L. 14; December 22, 1812, P. L. (1813) 8; March 28, 1814, P. L. 311; February 4, 1813, P. L. 57; February 25, 1813, P. L. 86; March 29, 1813, P. L. 203; February 21, 1815, P. L. 43; March 15, 1816, P. L. 100; March 24, 1817, P. L. 225; March 24, 1818, P. L. 297; March 18, 1823, P. L. 91; March 21, 1823, P. L. 182; March 30, 1824, P. L. 237; March 31, 1837, P. L. 121; April 16, 1844, P. L. 274; April 3, 1851, P. L. 307; April 6, 1859, P. L. 383; January 9, 1861, P. L. 2; May 1, 1861, P. L. 433; March 23, 1865, P. L. 631; April 26, 1869, P. L. 96; May 8, 1876, P. L. 127; May 22, 1878, P. L. 85; April 8, 1881, P. L. 9; June 2, 1887, P. L. 298; June 6, 1887, P. L. 350; May 29, 1889, P. L. 325; June 9, 1891, P. L. 249; May 10, 1893, P. L. 36; June 24, 1895, P. L. 264; June 15, 1897, P. L. 165.

CHAPTER DCCCIV.

AN ACT TO DECLARE VALID THE ACKNOWLEDGMENTS OF DEEDS AND THE PROOFS OF WITNESSES TO THE EXECUTION THEREOF MADE AND TAKEN BY AND BEFORE ANY OF THE MEMBERS OF THE FORMER COUNCIL OF SAFETY OR THE JUSTICES OF THE PEACE APPOINTED BY THE CONVENTION OF THIS STATE OR MEMBERS OF THE SUPREME EXECUTIVE COUNCIL; AND TO DECLARE VALID THE PROBATE AND REGISTERING OF WILLS AND GRANTING LETTERS OF ADMINISTRATION OF THE LATE REGISTER-GENERAL OF THE PROVINCE OF PENNSYLVANIA, AND HIS DEPUTIES IN THE SEVERAL COUNTIES THEREOF, DURING A CERTAIN PERIOD OF TIME.

(Section I, P. L.) Whereas by the laws made under the former government of the province of Pennsylvania, and since continued and extended to [the government of] this commonwealth by an act of its legislature, entitled "An act to revive and put in force such and so much of the late laws of the province of Pennsylvania, as is judged necessary to be in force in this commonwealth, and to revive and establish the courts of justice, and for other purposes therein mentioned,"¹ enacted the twenty-eighth day of January in the year of our Lord one thousand seven hundred and seventy-seven, it was provided "that all deeds and con-

¹ Passed January 28, 1777, Chapter 737.

veyances to be made in the said province for transferring lands, tenements and hereditaments within the same should be acknowledged by one of the grantors, or proved by one or more of the subscribing witnesses to such deed," and "that the private examinations of femes covert being parties to such deeds should be taken by and before one of the judges of the supreme court of the said province, or before one of the justices of the court of common pleas of the county where the lands conveyed lie:"

(Section II, P. L.) And whereas upon the declaration of independence on the fourth day of July in the year of our Lord one thousand seven hundred and seventy-six, the supreme court of Pennsylvania and the courts of common pleas of the several counties within this state became dissolved and all judges, justices and officers thereof as deriving jointly with the said courts their authority from the King of Great Britain stood severally disqualified from doing any act in their former office:

(Section III, P. L.) And whereas the convention for the state of Pennsylvania by an ordinance passed the third day of September in the year of our Lord one thousand seven hundred and seventy-six,¹ did nominate and appoint all the then members of a newly established council of safety, to-wit, David Rittenhouse, Jonathan B. Smith, Owen Biddle, James Cannon, Timothy Matlack, Samuel Morris, the elder, Samuel Howell, Frederick Kuhl, Samuel Morris, the younger, Thomas Wharton, the younger, Henry Keppele, the younger, Joseph Blewer, Samuel Mifflin, George Gray, John Bull, Henry Wynkoop, Benjamin Bartholomew, John Hubley, Michael Swoope, William Lyon, Daniel Hunter, Peter Rhoads, David Espy, John Weitzel and John Moore, Esquires, justices of the peace for this state at large and a number of other persons to be justices of the peace for the several counties in this state, to-wit, Benjamin Franklin, John Dickinson, George Bryan, James Young, James Biddle, John Morris, the younger, Joseph Parker, John Bayard, Sharp Delany, John Cadwallader, Joseph Copperthwaite, Christopher Marshall, the elder, Francis Gurney, Robert Knox, Matthew Clarkson, William Coates, William Ball, Philip Boehm, Francis Casper Hasenclever, Thomas Cuthbert, the elder, Moses Bar-

¹ Passed September 3, 1776, Chapter 731.

tram, Jacob Schreiner, Joseph Moulder, Jonathan Paschall, Benjamin Paschall, Benjamin Harbeson, Jacob Bright, Henry Hill, Samuel Ashmead, Frederick Antis, Samuel Erwin, Alexander Edwards, Seth Quee, Samuel Potts, Rowland Evans, Charles Bensel and Peter Evans, Esquires, to be justices of the peace for the city and county of Philadelphia; Joseph Hart, Richard Walker, Joseph Kirkbride, John Wilkinson, John Kidd, Robert Patterson, John Clark, James Benezet, Samuel Smith, James McMullan, Theophilus Foulke, Joshua Anderson, George Wickart and Thomas Long, for the county of Bucks; Alexander Johnston, William Clingan, Evan Evans, Richard Baker, John Sellers, Nicholas Fairlamb, John Jones, John Wilson, William Haslet, Israel Whalin, William Denny, Samuel Bond and Robert Mendenhall, Esquires, for the county of Chester; Emanuel Carpenter, Edward Shippen, William Henry, Michael Hubley, William Bausman, Ludwig Lauman, James Bird, James Work, Timothy Green, John Thome, Moses Irwin, John Ferrie, Zachaeus Davis, David Jenkins, John Whitehill, James Clemson, William Brown, James Murray, Robert Thompson, Robert Barber, Thomas Whitesides, Michael Bright and Christopher Wegman, Esquires, for the county of Lancaster; Robert McPherson, Martin Eichelberger, Samuel Edie, David McConaughy, Richard McCalister, Henry Slagle, Mathew Dill, William Rankin, William Lees, William Bailey, William Scott, William Smith, William McCaskey, Josias Scott, Thomas Latta, William McClean and John Mickle, the younger, Esquires, for the county of York; John Armstrong, John Byers, John Reynolds, Jonathan Hoge, Robert Miller, George Robinson, John Holmes, James Olivar, John Agnew, John Alison, James Maxwell, Samuel Lyon, William Brown, James Dunlap, John McClay, William Elliott, Matthew Henderson and Frederick Watt, Esquires, for the county of Cumberland; James Read, Peter Spyker, Jacob Morgan, George Douglass, Mark Bird, Henry Christ, Balzar Gear, John Patton, Thomas Dundas, Christopher Witman, Richard Tea and Bastian Levan, Esquires, for the county of Berks; Robert Trail, Jacob Moory, Christopher Wagener, Henry Kookon, John Weitzel, Peter Traxler, senior, Nicholas Dupui, Evan Morgan, Robert Forgeman and Henry Barnet, Esquires, for the county of

Northampton; Bernard Dougherty, William Proctor, George Wood, Abraham Cable, Thomas Smith, Thomas Coulter, Henry Lloyd, John Piper, Samuel Davidson, William Latta, John Wilkins, William Todd, Benjamin Elliott, William Parker, Evan Shelby, David Jones, Henry Rhoads, William Johnston, William McLeavy, Gideon Ritchey, John Mellot, Edward Coomb, Hugh Davis, Matthew Patton, Robert Ramsey, Benjamin Bird, John Shaver, Samuel Thompson, William Phillips, William Holliday, the younger, Charles Cessna, John Mitchell and Richard Brown, Esquires, for the county of Bedford; Samuel Hunter, James Potter, William McClay, Robert Moodie, John Lowden, Benjamin Weiser, John Fleming, Henry Antis and John Simpson, Esquires, for the county of Northumberland; and Robert Hanna, William Lockray, Alexander McClean, Providence Mounts, Andrew McFarlin, James Pollock, James Caval, Samuel Sloane, Thomas Scott, Michael Hoofnagle, James Wilson, David Allen, Benjamin Davis, Philip Rogers, Joseph Caldwell, James Wilkins, William Elliot, George Latimore and Samuel Burns, Esquires, to be justices of the peace from the county of Westmoreland; thereby ordaining and declaring that the said justices and every of them should have full power and authority to take acknowledgments of deeds:

(Section IV, P. L.) And whereas in and by the nineteenth section of the frame of government it is declared, that every member of the supreme executive council shall be a justice of the peace for the whole commonwealth by virtue of his office, and several of the said members of the council of safety and justices of the peace of the respective counties, in consequence of their appointment by the convention and the members of the supreme executive council by virtue of the said declaration contained in the frame of government, have taken acknowledgments of deeds, the affidavits on oath or affirmation of the subscribing witnesses to deeds and the private examinations of females covert with respect to their free and unrestrained will and accord at the time of executing such deeds, and have accordingly certified such acknowledgments, affidavits and private examinations under their hands and seals:

(Section V, P. L.) And whereas the supreme court of this com-

monwealth, and the courts of common pleas in the several counties thereof, having since by law been revived and re-established, and the judges and justices thereof commissioned by the president or vice-president in council, the form of acknowledging and proving the execution of deeds is again returned into its former channel:

(Section VI, P. L.) But for as much as the legality and validity of such acknowledgments of the parties and proof of the witnesses to deeds, and of such private examinations of femes covert as have been had and taken by and before any member of the council of safety or any of the justices appointed by the convention, or any of the members of the supreme executive council of this commonwealth may hereafter be called in question:

For preventing and remedying whereof:

[Section I.] (Section VII, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all the acknowledgments of the parties and proofs of a subscribing witness or witnesses to a deed and all the private examinations of femes covert parties to a deed concerning their free and unrestrained will and accord in executing the same, had and taken by and before any of the said members of the said council of safety whilst that council was subsisting or any of the said justices of the peace appointed by the convention, until justices of the court of common pleas were appointed, or a member of the supreme executive council, at any time before the publication of this act, and on the foot or back of the deed certified under the hand and seal of the person who has taken such acknowledgment, affidavit or private examination shall be good and valid in the law, and may be recorded as such to the same effect as if such acknowledgment, affidavit, or private examination had been taken by any of the judges of the supreme court, or justices of the court of common pleas of the county wherein the lands or other real estates conveyed lie.

[Section II.] (Section VIII, P. L.) Provided always, and it is hereby further enacted by the authority aforesaid, That all deeds so acknowledged, proved and certified as aforesaid, if not

already recorded shall within the space of nine months from the publication of this act, be recorded in the proper office of the county wherein the lands and tenements by such deeds conveyed do lie.

(Section IX, P. L.) And whereas the late office of the register general for the probate of wills and granting letters of administration in the province of Pennsylvania and the offices of all his deputies in the several counties within the same were upon the declaration of independence on the fourth day of July, one thousand seven hundred and seventy-six, vacated, and the register-general and his deputies, according to the maxims of polity and government, disqualified from doing any act in their former offices. But forasmuch as the office and business of proving wills and administering on the estates of persons deceased, is of such a nature, that any discontinuance in the exercise thereof may, in many instances, prove extremely injurious and detrimental to widows, orphans, absent relations, creditors and other persons interested in the estate of the testator or intestate, so the late register-general, and his deputies in the several counties of this state have continued to exercise their respective offices, received the wills of the testators and the probates thereof, registered the same and granted letters testamentary and letters of administration under the seal of the register-general's office, until the publication of the act of this commonwealth, enacted in the first general assembly thereof, on the fourteenth day of March one thousand seven hundred and seventy-seven, entitled "An act for establishing in the city of Philadelphia and in each county of this state, an office for the probate and registering of wills and granting letters of administration, and an office for the recording of deeds."¹ Therefore in order to make valid and effectual in the law the probate of such wills and granting letters of administration, made and done since the declaration of independence, to the time of publication of the said last-mentioned act of assembly by the late register-general at Philadelphia, and by his deputies in the several counties of this state:

¹ Passed March 14, 1777, Chapter 748.

[Section III.] (Section X, P. L.) Be it further enacted by the authority aforesaid, That all such last wills and testaments as have been received, proved and registered and all letters testamentary and letters of administration granted in the register-general's office at Philadelphia, and in the several counties of this state, since the declaration of independence of the fourth of July, one thousand seven hundred and seventy-six, to the fourteenth day of March, one thousand seven hundred and seventy-seven, when the said act for establishing the offices for wills and administrations was passed, or to the day when the several officers nominated and appointed in the city and several counties of this state, in pursuance of the said last-recited act, opened or exercised their respective offices, shall be deemed as good and valid to all intents and purposes in the law, as wills proved and registered and letters testamentary and of administration, granted by the register-general or his deputies in the several counties before the declaration of independence, notwithstanding the incapacity of the said officers.

Passed August 31, 1778. See the notes to the Ordinance of the First Constitutional Convention passed September 3, 1776, Chapter 731; and to the Act of Assembly passed March 14, 1777, Chapter 748.

CHAPTER DCCCV.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT DIRECTING THE MODE AND TIME OF ELECTING JUSTICES OF THE PEACE FOR THE CITY OF PHILADELPHIA AND THE SEVERAL COUNTIES IN THIS COMMONWEALTH AND FOR OTHER PURPOSES THEREIN MENTIONED."

(Section I, P. L.) Whereas, notwithstanding the provision made in the act of general assembly of this commonwealth, entitled "An act directing the mode and time of electing justices of the peace for the city of Philadelphia, and the several and respective counties in this commonwealth, and for other pur-

poses therein mentioned,"¹ enacted the fifth day of February, in the year of our Lord one thousand seven hundred and seventy-seven, and in the supplement thereto, enacted the fifteenth day of March, in the year aforesaid, yet there is no sufficient provision made for supplying vacancies that may happen by the death, removal from the county, resignation or refusal of those elected to act, whereby several of the districts, county towns, wards and townships in this commonwealth, remain without their full number of justices, as settled by the said acts, for the administration of justice:

(Section II, P. L.) For remedy whereof:

[Section I.] Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That where any vacancy or vacancies have happened or shall hereafter happen in the number of justices in any district, county, town, township or ward within this commonwealth, occasioned by the death, resignation, removal or refusal to act of any of the justices commissioned or elected by the inhabitants agreeable to the acts of assembly aforesaid; it shall and may be lawful for some one of the nearest justices to the said district, county town, township or ward; and he is hereby enjoined and required upon information given him by any of the inhabitants, to summon before him the constable or constables of the said district, county town, township or ward where such vacancy is or shall be, and enjoin and command the said constable or constables to hold an election on a certain day within twenty days thereafter, and at a certain place within the said district, county town, township or ward, to be by him then fixed and appointed by a writing under his hand and delivered to the said constable or constables: And the said constable or constables shall give at least ten days' notice to the freeholders qualified by law to vote for justices of the peace, by written or printed advertisements to be by him or them affixed in at least six of the most public places of such district, county town, township or ward, to meet at the said time and place, to elect a double number of proper persons to be returned as directed by the acts

¹ Passed February 5, 1777, Chapter 739.

aforesaid to the president or vice-president and council in order that one-half of the number elected be commissioned to fill up such vacancy.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That when the freeholders of any district, county town, township or ward within this commonwealth have refused or neglected or shall hereafter refuse or neglect to elect justices of the peace agreeable to the directions of the before recited acts, or of the further provisions herein made, that then it shall and may be lawful to and for the president or vice-president in council, to commissionate a suitable number of justices of the peace to fill up such vacancies, agreeable to the numbers settled in the afore recited acts.

Passed August 31, 1778. See the note to the Act of Assembly passed February 5, 1777, Chapter 739. The act in the text was repealed by the Act of Assembly passed March 31, 1784, Chapter 1093.

CHAPTER DCCCVI.

AN ACT FOR SETTLING THE ACCOUNTS OF THE LATE COMMITTEE AND COUNCIL OF SAFETY.

(Section I, P. L.) Whereas it is necessary that the accounts of the late committee and council of safety be speedily adjusted and settled in order to enable this state to settle their accounts with Congress:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That [William Moore, Joseph Dean and David Rittenhonse] be and they are hereby appointed auditors, with full power to audit, collect, adjust, liquidate and settle the said accounts of the late committee and council of safety of Pennsylvania, and when any balance shall be due to the state they shall direct the payment thereof to be made to the state

treasurer; and where it shall be due from the state they shall draw an order on the state treasurer in favor of the person to whom the same shall be due, which order the state treasurer is hereby directed to pay, and they the said auditors shall also at each sitting of the general assembly make report of what progress they have made in the settlement of the said accounts.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said auditors or any two of them, be and they are hereby directed and empowered to open an office for the purpose of receiving and regularly keeping the said accounts and to give notice thereof in the public newspapers or otherwise, requiring all persons who have been entrusted with public money, or who have demands upon the late committee or council of safety or are otherwise interested in any of the said accounts unsettled to attend at the said office for the purpose of adjusting and settling the same.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said auditors or any two of them be and they are hereby authorized and directed to purchase and prepare sufficient books in which they shall enter all the accounts of the late committee and council of safety; therein carefully distinguishing and separating such as are the proper accounts of this state and such as are owing or chargeable to the United States or any of them.

(Section V, P. L.) And the better to enable the said auditors to obtain a full and certain knowledge of the aforesaid accounts from the different parts of this state and to make a just settlement thereof:

[Section IV.] (Section VI, P. L.) Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said auditors or any two of them as often as occasion may require, to call before them by subpoena or attachment any person or persons who have been entrusted or charged with public moneys or who they may have reasons to believe capable of giving evidence or information respecting the said accounts, or any of them, and such person or persons to examine on oath or affirmation touching the same; which oath or affirmation they or any one of them are hereby empowered to administer; and all

persons subpoenaed as aforesaid are hereby enjoined and required to pay due obedience thereto, and in every case of neglect or refusal shall be subject to the same pains and penalties as in such like cases is customary, and persons subpoenaed as witnesses shall be entitled to the same fees for their attendance as witnesses in the usual course of law.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said auditors or any two of them shall have power and authority to employ such suitable persons as clerks or accountants for the purpose of stating such accounts as may be by them allowed and passed, and to allow them such compensation for their services as shall by the said auditors be deemed reasonable and just; and they are hereby further empowered to draw upon the state treasurer for any sum not exceeding one thousand pounds to defray the necessary expenses of clerks' wages, office rent, stationery and other charges of the like nature, which accounts with their proper vouchers shall be laid before the general assembly to be examined and allowed.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That in case of neglect or refusal of any of the said auditors to act or in case any vacancy may happen by death or otherwise, it shall be lawful for the president or vice-president and council in the recess of the house, to fill such vacancy by their appointment as often as it may be necessary.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said auditors herein appointed or hereafter to be appointed as above mentioned shall before they enter upon the execution of the duties herein enjoined them take an oath or affirmation before the president or vice-president in council, for the faithful execution of the trust reposed in them.

Passed September 2, 1778. See the note to the Act of Assembly passed October 13, 1777, Chapter 766; and the Acts of Assembly passed December 5, 1778, Chapter 824; March 31, 1779, Chapter 835; (repealed by the Act of Assembly passed) March 1, 1780, Chapter 882.

CHAPTER DCCCVII.

AN ACT TO ENABLE THE SUPREME EXECUTIVE COUNCIL TO ALLOW FURTHER TIME TO JOHN ABRAHAM DE NORMANDIE, OF THE COUNTY OF BUCKS, PRACTITIONER IN PHYSIC, FOR THE SALE OF HIS ESTATE, AND TO RETIRE OUT OF THE STATE THAN IS ALLOWED IN AN ACT OF GENERAL ASSEMBLY, ENTITLED "AN ACT FOR THE FURTHER SECURITY OF THE GOVERNMENT."¹

(Section I, P. L.) Whereas John Abraham De Normandie, of the county of Bucks, practitioner in physic, in a petition to the house of general assembly, has represented that he is a freeholder, citizen and burgher of the city of Geneva, the county of his ancestors; that he has for a considerable time past had an intention of removing to that city, for which purpose three years ago he began to dispose of the real estate held by him in Pennsylvania; and that he had not seen or heard of the said act, entitled, "An act for the further security of [the] government;" until the time therein limited for an application to the supreme executive council for leave to sell and retire out of the state was elapsed, and the legislature of this state being disposed to do justice to all men, and to remove every just cause of complaint so far as in them lieth:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That it shall and may be lawful to and for the supreme executive council of this commonwealth (if they shall think it proper and consistent with the safety of the state) to grant and they are hereby authorized and empowered to grant a permission under the great seal of the state, and signed by the president or the vice-president in council to the said John Abraham De Normandie, to sell, convey and confirm within ninety days after the day of enacting this law, his estate real to

¹ Passed April 1, 1778, Chapter 796.

any person or persons, their heirs and assigns forever according to the directions and subject to the restrictions of the said recited act of general assembly, as if the same had been applied for and obtained on or before the first day of June last past, anything in the said act to the contrary hereof notwithstanding.

Passed September 2, 1778. See the note to the Act of Assembly passed April 1, 1778, Chapter 796. The Act in the text was repealed by the Act of Assembly passed March 13, 1789, Chapter 1396.

CHAPTER DCCCVIII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE BETTER PREVENTING OBSTRUCTIONS TO THE NAVIGATION OF CHESTER CREEK AND OTHER NAVIGABLE CREEKS AND RIVERS IN THIS PROVINCE."¹

(Section I, P. L.) Whereas, in pursuance of an act of general assembly of the province of Pennsylvania, entitled "An act for the better preventing obstructions to the navigation of Chester creek and other navigable creeks and rivers in this province," a drawbridge, which in the year one thousand seven hundred had been first built over the said creek, was in the year one thousand seven hundred and twenty-five rebuilt, and ever since repaired and maintained at the public charge of the said county of Chester and the same bridge is at last decayed and ruined; and it is necessary for the convenience of travelers on the high road that a good safe bridge over the said creek should be always maintained and kept in repair, but the draw or engine to raise and lower the same is of no public utility, and yet attended with extraordinary expenses and inconveniences to the public:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the commissioners and assessors,

¹ Passed May 14, 1725, Chapter 288.

with the concurrence of the magistrates of the county of Chester, shall as soon as may be, cause a new bridge to be built at the place where the old bridge formerly stood, leaving at least twenty feet clear between the timber or stone work, and not less than eighteen feet in breadth and eight feet headway at high water for the easy passage of rafts, flats, shallops and other crafts and that the said bridge shall be made fast and close continued from one side of the creek to the other without any draw or opening for a mast; anything in the said act of general assembly to the contrary thereof notwithstanding.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That so much of the said recited act to which this is a supplement as is herein altered or amended, is hereby declared to be repealed, and of no further force or effect.

Passed September 3, 1778. See the note to the Act of Assembly passed August 14, 1725, Chapter 288.

CHAPTER DCCCIX.

AN ACT TO PROHIBIT THE EXPORTATION OF PROVISIONS FROM THE STATE OF PENNSYLVANIA FOR A LIMITED TIME.

(Section I, P. L.) Whereas it is highly expedient to preserve within this state such articles of the produce thereof as may be necessary for the support of the inhabitants of the same or for the use of the United States of America:

(Section II, P. L.) And whereas the restraining of the exportation of provisions may have a tendency to distress our enemies, and greatly weaken their operations against us by withholding from them the supplies they frequently obtain by capturing our vessels trading from this state:

Therefore:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representative of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the

authority of the same, That an embargo be and it hereby is laid to prohibit the exportation of wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, live stock, and other provisions from this state, from and after the publication of this act, until the fifteenth day of November next.

(Section IV, P. L.) Provided always, That nothing in this act shall be construed to prevent the taking on board such provisions as shall be necessary for the stores, only, of any ships or vessels of war or others trading to and from this state.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, live stock, or other provisions whatsoever, except as before excepted, shall at any time hereafter be laden or found on board any ship or vessel in any port of this state outward bound for sea, contrary to the true intent and meaning of this act, it shall and may be lawful for the naval officer or officers of such port or their deputies or any other person or persons whatsoever, to seize such wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, live stock, or other provisions, together with the ship or vessel in which the same shall be so laden and found and such vessel, together with the aforesaid articles as shall be so laden or found on board her at the time of such seizure, are hereby declared to be forfeited, one-third part thereof to the use of the state, one-third part to the use of the naval or other officer making such seizure, and the remaining third part to the use of the informer or informers on whose information the same shall be so seized and prosecuted to condemnation.

(Section VI, P. L.) And whereas it may happen that the situation of the war and of public affairs, may be so altered before the said fifteenth day of November, as to permit the exportation of provisions without danger:

[Section III.] (Section VII, P. L.) Be it therefore enacted by the authority aforesaid, That the supreme executive council may at any time before the said fifteenth day of November by proclamation under their seal revoke the said embargo and prohibition, anything in this act to the contrary notwithstanding.

Passed September 7, 1778. See the Acts of Assembly passed November 17, 1778, Chapter 817; April 3, 1779, Chapter 841; February 28, 1780, Chapter 876; September 22, 1780, Chapter 917; December 22, 1780, Chapter 922; February 27, 1781, Chapter 928; June 7, 1781, Chapter 943.

CHAPTER DCCCX.

AN ACT FOR THE RECOVERY OF THE DUTIES ON NEGROES AND MULATTO SLAVES, WHICH ON THE FOURTH DAY OF JULY, ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SIX, WERE DUE TO THIS STATE AND HAVE SINCE ACCRUED, AND FOR APPOINTING A COLLECTOR OF THE SAID DUTIES.

(Section I, P. L.) Whereas by an act of the general assembly of the former government of Pennsylvania passed the fourteenth day of March one thousand seven hundred and sixty-one, entitled "An act for laying a duty on negroes and mulatto slaves imported in this province,"¹ a duty of ten pounds was laid on every negro and mulatto slave imported, landed or brought into the said province for sale. And several other regulations were made for collecting and applying the said duty:

(Section II, P. L.) And whereas by another act of the said general assembly passed the twenty-sixth day of February one thousand seven hundred and seventy-three, the additional duty of ten pounds was laid on every negro and mulatto slave imported, and not excepted in the said first-mentioned act.

(Section III, P. L.) And whereas upon the declaration of the independence of this and the rest of the United States of America, the office of the collector of the said duties has been vacated and no new officer appointed by the legislature of this state. In consequence whereof the entries of negroes and mulatto slaves since brought into this state could not be properly made and the duties laid on them collected. For remedying whereof, and that the said duties may be collected and recovered, and that all the regulations made by the aforesaid two acts of general assembly may for the future be put in due execution:

¹ Passed March 14, 1761, Chapter 467.

[Section I.] (Section IV, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That [Walter Shee] of [the city of Philadelphia, merchant,] shall be, and is hereby appointed collector of the duties, and receiver of all fines, forfeitures and penalties imposed by the aforesaid two acts of general assembly. And he is hereby authorized, enjoined and required to demand and receive of and from the late collector of the said duties, all bonds and securities taken in pursuance of the said acts, and all books, minutes and papers to the said office of collector of the duties on negroes and mulatto slaves belonging, and from the person and persons who by virtue of any such bond or otherwise owe any duty or duties, fine or fines, and their sureties to demand and receive the same, and upon refusal, to prosecute and sue for the recovery thereof, and also to do, execute and perform all and every the acts, matters and things enjoined to be done and performed by the collector of the said duties, in the said two recited acts, and by this act he the said [Walter Shee] before he enters upon the execution of his said office, giving bond with one or more sufficient sureties to the treasurer of this state, for the time being in the sum of one thousand pounds for the due execution of his trust, and having taken the oath or affirmation of allegiance as prescribed by the laws of this state.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all persons who are resident within this state, and have at any time since the fourth day of July one thousand seven hundred and seventy-six imported or brought into any place under the laws and government thereof any negro or mulatto slave or slaves, either for sale or for their own families' service, or have purchased, hired or maintained such negroes or mulattoes, shall within the space of three months next after the publication of this act, make a true entry thereof with the said collector at Philadelphia, or his deputies in the several counties and pay the duties by the said two several acts imposed, or give the security thereby required, or if no deputy of the said collector be known in the county, make a return to the clerk of the court of general quarter sessions of the

peace of the county where any such negro or mulatto slave has been first imported or removed to, or is then, or has been at any time before living. And the clerk of the said court is hereby enjoined and required to take and enter such return in the same book, or on the same file where the returns of constables about negroes imported are entered, to which returns the collector shall have free access. And the person and persons who shall within the said space of three months make such entry or report, and give such security as aforesaid, shall be, and is hereby indemnified, freed and discharged of and from all penalties, fines and forfeitures in and by the said two recited acts, set upon persons not making such entries, and giving such securities as thereby is directed. Otherwise the person and persons, who have since the fourth day of July one thousand seven hundred and seventy-six, imported, sold, purchased, hired or maintained within this state any such negro or mulatto slave, and shall not within the said space of three months make the entry by this act directed to be made, shall upon due conviction thereof forfeit such negro or mulatto, or if he has already disposed thereof, or the negro or mulatto has died or run away, then the value of such negro and mulatto.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if the late collector of the duties on negro and mulatto slaves, shall upon the proper demand of the said [Walter Shee] refuse or neglect to deliver up to him the bonds, securities, books, minutes and papers to the office of the collector of the aforesaid duties belonging, and the said [Walter Shee] shall make complaint thereof to any one justice of the peace of the city or county where the said late collector dwelleth, such justice shall issue his warrant in the nature of *capias*, causing the officer to be brought before him, and if the complaint shall be supported by good evidence the said justice shall commit him to the common gaol of the county, there to remain without bail or mainprise until the said bonds, securities, books, minutes and papers shall be delivered up as aforesaid.

[Section IV]. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That in case of the death, removal or refusal to act of the person herein appointed collector, or of

any future collector, it shall and may be lawful for the general assembly for the time being, to appoint another collector by resolve: And in case any vacancy shall happen in the recess of the house, the president or vice-president in council shall then have the said appointment.

Passed September 7, 1778. See the note to the Act of Assembly passed March 14, 1761, Chapter 467; and the Act of Assembly passed March 1, 1780, Chapter 881.

CHAPTER DCCCXI.

AN ACT FOR ESTABLISHING A COURT OF ADMIRALTY.

(Section I, P. L.) Whereas it is necessary that due provision should be made for the trial and determination of crimes, controversies and suits properly within the cognizance of the maritime law, and not inquirable at common law:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That a person of known integrity and ability shall be appointed and commissioned by the supreme executive council of this commonwealth for and during the term of three years by the name and style of "Judge of Admiralty of the state of Pennsylvania," who shall hold a court of admiralty which shall have cognizance of all and all manner of controversies, suits and pleas, within the jurisdiction of the admiral and not determinable at common law: (crimes excepted) and thereupon adjudge, decree, pass sentence, and award execution thereof, as the maritime law and the laws of this commonwealth shall require.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all captains, commanders, prize-masters or other person[s] having taken and brought into any port in this commonwealth any ship or other vessel belonging to

the enemies of these United States, or that have been employed by them contrary to the resolves of the honorable continental Congress or the laws of this commonwealth shall within three days after his or their arrival with such ship or other vessel taken as aforesaid exhibit to the Judge of Admiralty a libel in writing, therein giving a full and ample account of the time and manner of the capture of the said ship or other vessel and the employment she was in when so taken, and of the persons who were aiding and assisting to the best of his or their knowledge at the time of her capture; and shall without delay deliver to the register of the court of admiralty aforesaid (upon his or their oath or affirmation) all books, papers and writings found on board any such ship or vessel taken and brought in as aforesaid, to the intent that the jury may have the benefit of evidence therefrom arising.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That immediately after such libel as aforesaid shall be exhibited to the judge of admiralty aforesaid, he shall cause the register of the said court to give notice in some of the public newspapers of the city of Philadelphia of the day set for the trial, at least twenty-one days before the said day of trial, and shall insert therein the name (if known) and description of the ship or other vessel so captured and brought in, to the intent the owner or owners or any person concerned may appear and show cause (if any they have) why such ship or vessel with her cargo and appurtenances should not be condemned as lawful prize for the use of the captors; and the process and proceedings upon any ship or other vessel, her cargo and appurtenances that shall be re-taken from the enemy by any person or persons as aforesaid shall be in the same manner as is herein provided for other ships or vessels, and shall be sold and disposed of for the benefit and to the uses directed by the resolves of the continental Congress in cases of re-captures.

(Section V, P. L.) Provided nevertheless, That if it shall be made appear to the satisfaction of the judge of admiralty aforesaid, that the cargo is damaged or consists of perishable articles, then and in such case he shall appoint three reputable persons skilled in the articles of which the cargo consists of the city or

county where the trial shall be, who shall upon their oath or affirmation carefully appraise and value the said cargo and deliver the said appraisement bill to the register of the said court, with their oaths or affirmations annexed; and the judge of admiralty shall immediately order the marshal of the court to sell the same reserving the money arising from the sales, in his hands until the said trial shall be determined.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the judge of admiralty shall after notice being given as aforesaid, issue his warrant to the marshal of the court of admiralty to be appointed as hereafter directed commanding him to summon and return twelve good and lawful men of the city or county where the trial shall be, to appear before the said judge of admiralty at such time and place as he shall appoint, not less than five days after the date of the said warrant; and the said marshal is hereby authorized and required to execute said warrant and make return thereof, as in and by the said warrant he shall be directed; and the jury returned as aforesaid shall be established by like modes and subject to like challenges as in the supreme courts; and they shall be sworn or affirmed to return, and give a true verdict upon the aforesaid libel, according to evidence; and the finding of the said jury shall establish the facts without re-examination or appeal. And if it shall appear to the judge of admiralty aforesaid by the verdict of the jury that the said ship or other vessel belonging to the enemy had been employed as aforesaid he shall condemn said ship or other vessel, her cargo and appurtenances as lawful prize, and shall order the whole to be sold at public vendue for the benefit of the captors.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That in all cases of captures, an appeal from the decree of the judge of admiralty of this state shall be allowed to the continental Congress or such person or persons as they may from time to time appoint for hearing and trying appeals. Provided the appeal be demanded within three days after definitive sentence, and such appeal be lodged with the secretary of Congress within thirty days afterwards: And provided that the party appealing shall become bound before

the said judge of admiralty in such sum as he in his discretion may think proper as security to prosecute the appeal to effect and in case of the death of the secretary during the recess of Congress then the said appeal shall be lodged in Congress within thirty days after the meeting thereof.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the execution of any decree, so appealed from as aforesaid, shall not be suspended by reason of such appeal, in case the party or parties appellate shall give sufficient security to be approved of by the judge of admiralty by whom such decree shall be given to pay the full value thereof to the appellant or appellants in case the decree so appealed from shall be reversed.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the supreme executive council shall appoint and commission an able and suitable person to be register of the said court of admiralty, who, before he enters upon the duty of his office shall take an oath or affirmation for the faithful discharge of his said office before the president or vice-president in council, and his attestations shall be received as evidence and the depositions of the witnesses in any of the cases aforesaid shall be taken before the judge and filed in the register's office, and that the same shall be at all times admitted in evidence in case of the death or absence of the witness, and that the said depositions shall and may be taken ex parte, on such notice being given to the adverse party, as the said judge shall direct and appoint.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the supreme executive council of this state shall appoint and commission one reputable person by the name and style of "Marshall of the Court of Admiralty," who, before he enters on the duties of his office shall take an oath or affirmation for the faithful performance of the several duties required of him and shall become bound to the president or vice-president of the state for the time being with two or more sureties, to be approved of by the supreme executive council in the sum of ten thousand pounds; which obligations shall be drawn in the same manner with like condition liable to like

suit and use and recorded as bonds taken from sheriffs and their sureties ought to be by the laws of this commonwealth.

[Section IX.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the judge of admiralty shall take and receive for every decree or final sentence the sum of fifteen pounds; for attesting all depositions eight shillings, for every stipulation made before him sixteen shillings. And the register and marshall of the said court of admiralty shall severally take and receive double the fees for their services respectively as is mentioned in and by an act of the former government, entitled "An act for regulating and establishing fees."¹ And the marshall shall receive the following commissions for selling, collecting and paying over, that is to say, one per cent. for any sum not exceeding two thousand pounds and three-fourths per cent. for any sum above two thousand and not more than ten thousand pounds, and for any sum above ten thousand pounds the sum of one-half per cent., which commissions he shall [take] and receive and no more for all his trouble and expenses in selling, collecting and paying over as aforesaid.

[Section X.] (Section XII, P. L.) And be it further enacted, That in suits for the wages of mariners employed in merchant ships and vessels; that in all cases wherein no more than four months' wages shall be demanded by the libellant no jury shall be summoned but the matter in variance shall be heard before and determined by the said judge of admiralty.

(Section XIII, P. L.) And whereas the trial of pirates and other sea felons in the then British Colonies, now free states of North America hath been heretofore without a jury and in a method much conformed to the civil law, the exercise of which jurisdiction was contrary to the spirit of the common law, although the legislature of England had by a statute passed in the twenty-eighth year of Henry the Eighth, entitled "For pirates," relieved this grievance as to the subjects within the realm.

(Section XIV, P. L.) And whereas the constitution of this state provides that in all prosecutions for criminal offenses, no

¹ Passed August 22, 1752, Chapter 398.

man can be found guilty without the unanimous consent of a jury.

[Section XI.] (Section XV, P. L.) Be it therefore enacted by the authority aforesaid, That all traitors, pirates, felons and criminals who shall offend upon the sea and their aiders and abettors upon the sea, shall be inquired of, tried and adjudged by grand and petit juries, in the manner prescribed by, and according to the directions given for the trial and judgment of traitors, pirates, felons, and others offending upon the sea, in the said statute passed in the twenty-eighth year of Henry the Eighth, entitled "For pirates."

(Section XVI, P. L.) Provided always, That such trial may be had in any court of oyer and terminer to be holden in and for the city of Philadelphia, the justices of the supreme court for that occasion taking to their aid and associating with them, the judge of admiralty for the time being, who is hereby constituted a commissioner of oyer and terminer for that purpose; and the judge of admiralty shall be president of the said court of oyer and terminer in the absence of the chief justice.

(Section XVII, P. L.) And provided also, That if any person upon arraignment before the said court of oyer and terminer shall stand mute, or shall not give direct answers, such person shall be deemed to have pleaded not guilty, and the trial shall proceed accordingly.

[Section XII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That if any person legally summoned to attend on any jury in the court of admiralty, or the court of oyer and terminer aforesaid, shall make default, or having attended shall depart before he be dismissed by the courts aforesaid, he shall be proceeded against as is customary in such cases before the supreme court; and if any person shall corruptly and falsely swear anything in any cause or matter depending before the judge or court aforesaid, or shall suborn any person so to do, such person or persons so offending and being thereof legally convicted shall suffer all the pains and penalties, forfeitures and disabilities, to which by law persons convicted of perjury or subornation of perjury are liable, and which they ought to suffer.

[Section XIII.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That all and every the proceedings of the court of admiralty shall be liable to the prohibition of the supreme court of this commonwealth in like manner, and to the like effect as by the laws of England the courts of admiralty there have been to the prohibition of the court of King's Bench.

Passed September 9, 1778. Repealed by the Act of Assembly passed March 8, 1789, Chapter 887.

CHAPTER DCCCXII.

AN ACT TO REPEAL THE ACT, ENTITLED "AN ACT FOR REGULATING THE SEVERAL ARTICLES HEREIN MENTIONED FOR A LIMITED TIME,"¹ AND ALSO SO MUCH OF THE ACT, ENTITLED "AN ACT FOR THE BETTER SUPPLY OF THE ARMY OF THE UNITED STATES OF AMERICA," AND THE SUPPLEMENT THERETO AS IS HEREINAFTER MENTIONED."²

(Section I, P. L.) Whereas the honorable continental Congress recommended to the several states to enact laws for regulating the prices of goods, wares and merchandise and in consequence thereof the assembly of this state enacted a law for that purpose, entitled "An act for regulating the prices of the several articles herein mentioned for a limited time," but as the neighboring states have not all complied with the aforesaid recommendation it is now judged expedient to repeal the same:

(Section II, P. L.) And whereas it was represented to this house by Congress that the armies of the United States were at one time reduced to a difficulty in obtaining provisions for their support, to remedy which a law was enacted, entitled "An act for the better supply of the army of the United States of America," and a supplement thereto, entitled "A supplement to the act, entitled 'An act for the better supply of the armies of the United States:'"³

¹ Passed April 1, 1778, Chapter 795.

² Passed January 2, 1778, Chapter 782.

³ Passed February 27, 1778, Chapter 783.

(Section III, P. L.) And whereas the necessity of the said act and supplement is in a great measure removed:

(Section IV, P. L.) Therefore:

[Section I.] Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the said act, entitled "An act for regulating the prices of the several articles herein mentioned," and so much of an act, entitled "An act for the better supply of the armies of the United States of America," and the supplement entitled 'A supplement to the act entitled 'An act for the better supply of the armies of the United States,' " as relates to the prices of the articles therein mentioned, and for the taking and seizing of any of the things described in the said acts and supplement, are hereby declared to be repealed and made null and void to intents and purposes.

Passed September 9, 1778.

CHAPTER DCCCXIII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE FURTHER SECURITY OF THE GOVERNMENT."¹

(Section I, P. L.) Whereas divers citizens of this commonwealth in the service of the United States of America or of this state, as officers, soldiers or sailors have been made prisoners of war by the enemy and detained in captivity or enlarged upon parole on or before the first day of June last, and some of them still so remain, whereby they have been deprived of an opportunity to take and subscribe the oath or affirmation, mentioned and appointed to be taken in the act of assembly, entitled "An act obliging the male white inhabitants of this state to give assurances of allegiance to the same and for other purposes therein mentioned,"² on or before the first day of June last,

¹ Passed April 1, 1778, Chapter 796.

² Passed June 13, 1777, Chapter 756.

agreeable to the directions of the act of assembly, entitled "An act for the further security of the government," whereby they have incurred and are liable to all the disabilities, incapacities and penalties enumerated and described in the said acts, and in the supplement to the former act of the twelfth day of October last, all which disabilities and incapacities by the said act, to which this is a supplement are to continue for and during their respective lives:

For the relief of such citizens:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That every such person who hath before the publication of this act taken and subscribed the oath or affirmation aforesaid, or who shall take and subscribe the same within three months [after the publication of this act, or] after he shall be exchanged or discharged from parole, or after he shall return into this state shall receive a certificate [thereof] from the justice of the peace before whom he hath taken and subscribed the same, in which certificate shall also be inserted the time of the said person's being made a prisoner of his exchange, liberation or discharge from parole and of his returning into this state agreeable to the evidence such justice shall receive: And the said certificate shall be registered and recorded in like manner with other certificates and shall indemnify the person obtaining the same of and from all disabilities, incapacities and penalties which he might have incurred or been liable to by having neglected to take such oath or affirmation on or before the first day of June last; anything in this or any other act of assembly to the contrary notwithstanding.

(Section III, P. L.) And whereas by a clause in the act, entitled "An act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned," it is provided and declared among other things that delegates in Congress are not within the intent and meaning of that act; which exemption, so far as relates to the delegates in Congress nominated and appointed by the general assembly of this state appears to be improper:

[Section II.] (Section IV, P. L.) Be it therefore enacted by the authority aforesaid, That from and after the publication of this act no person or persons may or shall be elected as a delegate in Congress for this commonwealth, who hath not previously taken the oath or affirmation aforesaid; and that every of the present delegates in Congress for this commonwealth, who, not having already taken and subscribed the said oath or affirmation shall neglect to take and subscribe the same on or before the tenth day of October next, shall be and they are hereby declared to be liable to all and singular the disabilities, incapacities and penalties which any other persons are made liable to by law for such neglect on or before the first day of June last.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That from and after the publication of this act no person or persons shall be permitted to vote at the general or any other election, within any of the counties of this state for any officer or person whatsoever, without producing a certificate, showing, that he hath taken and subscribed the oath or affirmation aforesaid on or before the first day of June last, or a certificate obtained by virtue of this act, if thereunto required by any one of the judges, inspectors or persons authorized to hold such election, or by any two legal electors then and there present; and if any such vote shall be received the judges, inspectors or other person or persons qualified to hold such election shall for every such offense forfeit and pay the sum of one hundred pounds; one moiety thereof to the use of the state, and the other moiety to the person who shall sue for the same [to be recovered with costs of suit] in any court of common pleas within this state by action of debt, wherein no essoin, protection or wager of law, nor more than one imparlance shall be allowed.

Passed September 10, 1778. See the notes to the Acts of Assembly passed June 13, 1777, Chapter 756; April 1, 1778, Chapter 796. The act in the text was repealed by the Act of Assembly passed March 13, 1789, Chapter 1396.

CHAPTER DCCCXIV.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE REGULATION OF WAGONS, CARRIAGES AND PACKHORSES FOR PUBLIC SERVICE."¹

(Section I, P. L.) Whereas from the great rise of the price of all things necessary to equip a wagon and team of horses since the enacting of the act, entitled "An act for the regulation of wagons, carriages and pack horses for the public service," it is become necessary to raise the pay of the said wagons, teams and horses:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, the pay of a wagon with four horses and a driver shall be the sum of three pounds fifteen shillings per day, if the owner find forage for the same, and if forage is found by the public the pay shall be two pounds fifteen shillings per day.

(Section III, P. L.) And whereas in the said act, entitled "An act for the regulation of wagons, carriages and pack horses for the public service," the commander in chief of the continental army or of the forces in this state, were empowered to impress wagons, horses, etc., in case of sudden and unexpected emergencies, the exercise of which power has from experience proved inconvenient and prejudicial to the good people of this commonwealth:

Therefore:

[Section II.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That if any person or persons, under any pretence whatsoever, shall impress any wagons, teams or horses within this commonwealth, except by virtue of express warrant for

¹ Passed January 2, 1778, Chapter 780.

that purpose from the executive council of this state, signed by the president or vice-president in council, every person so offending, shall for every such offense forfeit and pay the sum of fifty pounds, to be recovered as fines and forfeitures are in and by the said recited act directed to be recovered.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That so much of the said act as empowers the commander in chief of the continental army, or of the forces in this state to impress wagons, teams or horses in cases of sudden emergencies and so much of said act as limits the wages of wagons and teams, are hereby repealed and made void.

Passed September 10, 1778. See the note to the Act of Assembly passed January 2, 1778, Chapter 780.

CHAPTER DCCCXV.

AN ACT FOR REGULATING NAVIGATION AND TRADE IN THIS STATE.

(Section I, P. L.) Whereas the navigation of this and the other United States of America has been heretofore carried on under acts of the British parliament, regulating the trade of the plantations, until by some resolves of the said states made in Congress, and the declaration of their independence and an act of assembly entitled "An act to revive and put in force,"¹ etc., passed the twenty-eighth day of January one thousand seven hundred and seventy-seven; whereby the authority of Great Britain and all the said acts of parliament have been vacated and superseded within the territories of the said states:

(Section II, P. L.) And it is of great importance to this commonwealth, that the trade and navigation in her ports and harbors, and the importation and exportation of all goods, wares and merchandise in and out of the same, should be regulated and ascertained in this state by law:

¹ Passed January 28, 1777, Chapter 737.

Therefore:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the master of any ship or other vessel, except ships or vessels of war, privateers and their prizes, arriving in any port of this state, shall within forty-eight hours after such arrival, repair to the naval office in the city of Philadelphia, and there exhibit and deliver to the naval officer of this state a true manifest signed by the said master, of all the goods, wares and merchandise laden and imported in such ship or vessel, setting forth the packages, marks and numbers thereof, and the nature and quantity of their contents in number, weight and measure as they are commonly counted, estimated and sold, and also his own name and surname, the name and burden of his ship or vessel, the names and abodes of the owner or owners thereof, and the country, port or place where the cargo was shipped, together with such documents as are usually furnished in such place of lading to masters of vessels sailing from thence with goods, wares and merchandise.

[Section II, P. L.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the master of any ship or other vessel to be laden at any port or place within this state, except ships or vessels of war and privateers taking in necessary stores and provisions, shall first make his report to the naval officer of the intended voyage of his vessel and of the goods, wares and merchandise intended to be shipped and exported, and shall obtain the said officer's permit for that purpose; and before such ship or vessel shall proceed or sail the said master shall exhibit and deliver at the aforesaid naval office a fair and true manifest of his outward cargo, signed by him in manner and form as the manifests and declarations of importers of goods into this state are by this act directed to be made out and stated.

[Section III.] And it is hereby provided and enacted, That in the manifest as well of cargoes imported as of cargoes shipped off and outward bound the number, weights and measures of the particulars of said cargoes shall be expressed in words at full

length and not in figures only. And the said naval officer being satisfied as to the truth and fairness of the manifest or declaration, shall administer an oath or affirmation to the masters of vessels coming in and going out of the ports or places of this state, in substance as follows to-wit, "That the called, now at anchor in the port of and her cargo, is the property of the person or persons in his manifest named; and that no enemy or subject of an enemy to this or any of the United States of America is the owner or proprietor of the said or her cargo, or has any interest or concern of property in either the said or her cargo, or any part or share of either of them, to his knowledge and belief: And that the goods, wares and merchandise now on board the said are in number, quantity and quality the same as in his said manifest specified and declared to be to the best of his knowledge."

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That during the continuance of the present war between the United States of America and Great Britain, the master of any vessel sailing from any port or place of this state, shall at the said naval office give bond to the president or vice-president of the supreme executive council, with two sufficient sureties, residents in this state, in at least double the value of his cargo, with condition that the same cargo shall be landed and delivered at some place or port not under the dominion of the King of Great Britain, except Bermuda and the Bahama Islands; and that he the said master shall within the space of eighteen months from the date of such bond produce and deliver to the said naval officer a certificate from the officer of any port in the dominions of the United States of America, or if his cargo be landed out of the said dominions then from two creditable merchants residents in the place where he has landed the same, that the goods and merchandise mentioned in his clearance or cocket, were actually landed at the place where such certificate was given.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That during the continuance of the present war between the United States of America and Great

Britain, no goods, wares and merchandise of the growth, produce or manufactory of Great Britain, nor any of her dominions, except Bermuda and the Bahama Islands, other than goods taken as prize properly certified to be such, shall be imported by land or water into this state, nor shall any goods, wares and merchandise of the growth, produce, or manufactory of East India or any other country not belonging to Great Britain, be imported from Great Britain or any of her dominions, except salt from Bermuda and the Bahama Islands, into this state, on pain of confiscation of all such goods, wares and merchandise, one-half thereof to the use of the informer, and the other half to the use of this commonwealth to be recovered either by seizure of such goods in the nature of an attachment and a prosecution in rem, or else by an action of debt against the importer for the value of such goods, wares and merchandise in any court of record in this state. Provided always, That such action or prosecution shall be brought and commenced within six months from the time the cause has arisen.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That in order to enable the owner of any ship or vessel to navigate the same under the protection of the United States of America and this state, and to claim the same as the property of a subject of this state, either within the same or elsewhere, and to detect frauds and abuses which may be attempted to cover the ships of an enemy, all the ships and vessels of and belonging to any subject of this state, shall be registered with the said naval officer, when such ship or vessel shall be built or first brought into any port of the same, and before the next departure of such ship or vessel for which purpose one or more of the owners thereof shall certify on oath or affirmation to the said naval officer, the name, burden, shape and kind of such ship or vessel, together with the name of the master and place of construction and age of such ship or vessel, and the name or names of the owner or owners thereof, their occupations and abodes, and the parts and shares they respectively hold in the same, and the said naval officer shall enter and register such ship or vessel in a book to be provided for that purpose

and furnish to the said owners or any other persons who shall require it an attested copy of such register.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if the master of any ship or vessel arriving in any port of this state or proceeding on a voyage from any port or place within the same, shall neglect to exhibit and deliver to the naval officer of this state such manifest as is herein before required to be made the master so neglecting as aforesaid shall forfeit and pay to the naval officer the sum of one hundred pounds for every such neglect: Moreover he shall recompense and pay the said naval officer or other person any reasonable charge and expense he may be at in searching such ship or vessel, in order to discover any illicit practice in the import or export of any goods, wares or merchandise during three days; in which space of time such search may be made. And if any goods, wares or merchandise shall be landed in this state from any ship or vessel so arriving as aforesaid or shall be found in such ship or vessel, and not reported in the manifest thereof, all such goods, wares and merchandise shall be forfeited and seized by the said naval officer; one-half to the informer and the other half to the use of this state.

[Section VIII.] (Section IX, P. L.) Provided always, That all vessels employed in transporting fuel, hay, stone or any produce or manufactory of this state, or the other United States, plying within the bay or river Delaware, shall not be included in the regulations aforesaid.

Passed September 10, 1778. See the Acts of Assembly passed October 9, 1779, Chapter 855; March 8, 1780, Chapter 888; December 23, 1780, Chapter 925; April 5, 1781, Chapter 936; April 9, 1782, Chapter 965; April 10, 1782, Chapter 967; April 15, 1782, Chapter 984; September 20, 1782, Chapter 986; November 22, 1782, Chapter 998; (the two Acts of Assembly passed) March 20, 1783, Chapters 1018, 1019; September 17, 1783, Chapter 1032; September 25, 1783, Chapter 1051; November 18, 1783, Chapter 1058; March 15, 1784, Chapter 1076; March 16, 1785, Chapter 1137; April 2, 1785, Chapter 1157; September 20, 1785, Chapter 1188; December 24, 1785, Chapter 1198; April 8, 1786, Chapter 1227; September 26, 1786, Chapter 1254; March 15, 1787, Chapter 1276; March 29, 1788, Chapter 1346; September 17, 1788, Chapter 1354. The right to regulate foreign and interstate trade and navigation was surrendered by the states to the Federal Government by the Constitution of the United States, Article I, Section VIII.

CHAPTER DCCCXVI.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO PREVENT FORESTALLING AND REGRATING, AND TO ENCOURAGE FAIR DEALING."¹

(Section I, P. L.) Whereas by an act, entitled "An act to prevent forestalling and regrating and to encourage fair dealing,"¹ commissioners were appointed in each county to grant permits agreeable to said act. But as the city of Philadelphia was then in the possession of the enemy, commissioners were not appointed for the said city which renders the obtaining such permits inconvenient to the inhabitants thereof.

(Section II, P. L.) For remedy thereof:

[Section I.] Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That William Henry and Ephraim Bonham of the city of Philadelphia, Esquires, be, and they are hereby appointed commissioners for the city of Philadelphia, fully authorized and empowered to grant such permit or permits agreeable to the true intent and meaning of the aforesaid act; and to do and perform every matter and thing required of them as amply and fully as if they had been nominated and appointed in the said act.

Passed September 10, 1778. See the note to the Act of Assembly passed January 2, 1778, Chapter 779. The act in the text was repealed by the Act of Assembly passed March 22, 1780, Chapter 904.

¹ Passed January 2, 1778, Chapter 779.

Laws enacted in the first sitting of the third general assembly of the Commonwealth of Pennsylvania, which was held at Philadelphia, on Monday the 26th day of October, A. D. 1778:

CHAPTER DCCCXVII.

AN ACT TO PROHIBIT THE EXPORTATION OF PROVISIONS FROM THE
STATE OF PENNSYLVANIA FOR A LIMITED TIME.

(Section I, P. L.) Whereas it is highly expedient to preserve within this state, such articles of the produce thereof as may be necessary for the support of the inhabitants of the same or for the use of the United States of America:

(Section II, P. L.) And whereas the law made by the late assembly of this commonwealth for that purpose, entitled "An act to prohibit the exportation of provisions from the state of Pennsylvania for a limited time,"¹ is now expired by its own limitation.

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That an embargo be, and it hereby is laid to prohibit the exportation of wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, live stock and other provisions whatsoever from this state from and after the publication of this act until the first day of September next.

(Section IV, P. L.) Provided always, That nothing in this act shall be construed to prevent the taking on board such provisions as shall be necessary for the stores only of any ships or vessels of war, or others trading to and from this state.

¹ Passed September 7, 1778, Chapter 809.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, live stock or other provisions whatsoever, except as before excepted, shall at any time hereafter be laden or found on board any ship or vessel in any port of this state outward bound for sea contrary to the intent and meaning of this act, it shall and may be lawful for the naval officer or officers of such port or their deputies or any other person or persons whatever to seize such wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, live stock or other provisions together with the ship or vessel in which the same shall be so laden and found and such vessel together with the aforesaid articles as shall be so laden or found on board her at the time of such seizure are hereby declared to be forfeited, one-third part thereof to the use of the state, one-third part to the use of the naval or other officer or person making such seizure and the remaining third part to the use of the informer or informers on whose information the same shall be so seized and prosecuted to condemnation.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the supreme executive council of this state shall and may at any time during the continuance of this act by proclamation under their seal, either totally revoke the said embargo and prohibition or suspend the operation thereof so far as to admit the exportation of any of the articles within the description of this act for the use of the fleet of His Most Christian Majesty, and of the armies of the United States under the limitations and restrictions contained in the resolutions of Congress already made or which may hereafter be made.

Passed November 17, 1778. See the note to the Act of Assembly passed September 7, 1778, Chapter 809; and the Acts of Assembly passed April 3, 1779, Chapter 841; February 28, 1780, Chapter 876.

CHAPTER DCCCXVIII.

AN ACT FOR THE REPEAL OF SO MUCH OF THE ACT OF ASSEMBLY ENTITLED "AN ACT FOR THE ATTAINDER OF DIVERS TRAITORS IF THEY RENDER NOT THEMSELVES BY A CERTAIN DAY, AND FOR VESTING THEIR ESTATES IN THIS COMMONWEALTH; AND FOR MORE EFFECTUALLY DISCOVERING THE SAME AND ASCERTAINING AND SATISFYING THE LAWFUL DEBTS AND CLAIMS THEREUPON,"¹ AS RELATES TO REYNOLD KEEN, IN THE SAID ACT NAMED.

(Section I, P. L.) Whereas it is set forth in the petition of Reynold Keen to this house that he the said Reynold Keen, from his situation in the city of Philadelphia, [and] in the power of the enemy, was unable to render himself to some one justice of the supreme court or of the justices of the peace of one of the counties within this state on or before the day limited and appointed in the said act:

(Section II, P. L.) And whereas the said Reynold Keen hath prayed that he may be permitted to have a public and legal trial for any offense he may be charged with:

Therefore for giving relief in the premises:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That so much of the said act as attaints the said Reynold Keen of high treason be, and the same is hereby declared to be repealed, annulled and made void.

[Section II.] (Section IV, P. L.) Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend or be construed to extend to repeal or alter any part of the said law only with regard to the person of the said Reynold Keen.

[Section III.] (Section V, P. L.) Provided always nevertheless, That he the said Reynold Keen shall render himself to some one of the justices of the supreme court on or before the first

¹ Passed March 6, 1778, Chapter 784.

day of December next, and also abide his legal trial for any treason or misprison of treason, that he is, has been, or may be charged with.

Passed November 26, 1778. See the note to the Act of Assembly passed March 6, 1778, Chapter 784; and the Acts of Assembly passed October 6, 1779, Chapter 853.

CHAPTER DCCCIX.

AN ACT TO PROHIBIT, FOR A LIMITED TIME THE MAKING OF WHISKEY AND OTHER SPIRITS FROM WHEAT, RYE, OR ANY OTHER SORT OF GRAIN OR FROM ANY MEAL OR FLOUR.

(Section I, P. L.) Whereas the enormous quantity of grain which is distilled throughout this state, tends to increase the price thereof, to [the] great oppression of the poor and occasions a difficulty in procuring the necessary supplies for the armies of the United States:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the tenth day of December next no whiskey or other spirit whatsoever shall be made, extracted or distilled within the city and county of Philadelphia and the counties of Chester, Bucks, Lancaster, York, Cumberland, Berks and Northampton from any wheat, rye, barley, malt or other grain, or from any meal or flour before the first day of September next.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the twenty-fifth day of December next, no whiskey or other spirit whatsoever, shall be made, extracted or distilled within the counties of Bedford, Westmoreland, or Northumberland from any wheat, rye, barley, malt or other grain or from any meal or flour before the first day of September next.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if during the times respectively before limited, any distiller or maker of whiskey or other spirits or any other person or persons whatsoever, shall make, extract or distill or cause or procure to be made, extracted or distilled any whiskey or other spirits from any malt, wheat, rye, barley or other grain, or from any meal or flour, or shall use or mix or cause or procure to be used or mixed any malt, wheat, rye, barley, or other grain, or any meal or flour in any worts or wash in order for the making, extracting or distilling whiskey or other spirits, or shall put or lay, or cause or procure to be put or laid in any tun, wash-batch, cask, copper-still or other vessel or utensil any malt, wheat, rye, barley, or other grain, or any meal or flour for the purpose of extracting or distilling whiskey or other spirits, that then, and in each and every of the said cases, upon conviction thereof in the court of general quarter sessions of the peace for the city or county where such offense is committed, such distiller or maker of whiskey or other spirits or other person or persons acting contrary to the direction of this act, or the person or persons in whose custody or possession any such tun, wash-batch, cask, copper-still or other vessel or utensil made use of contrary to the intention of this act, be found, shall respectively, for every such offense forfeit and pay the sum of five hundred pounds and incur also a forfeiture of the value of all such malt, wheat, rye, barley or other grain and all such flour and meal, whiskey and spirits and of all such stills, vessels or other utensils to be ascertained and assessed by the jury by whom the cause shall be tried.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That each of the constables of the respective townships or districts in this state, shall and he is hereby enjoined and required under the penalty of one hundred pounds (to be prosecuted for and recovered in the same manner as is hereinafter directed for the prosecution and recovery of the other fines herein mentioned) carefully and diligently to inquire into offenses committed against this act; and having any knowledge of any such offense he shall forthwith give information thereof to the next justice of the peace, who upon such in-

formation or other complaint on oath shall immediately issue his warrant directed to the sheriff and other peace officers of the city or county where such offender dwells, requiring such sheriff or other peace officer forthwith to apprehend the said offender and bring him or her before said justice or some other justice of the peace who shall cause the said offender to enter into recognizance, with sufficient surety, to be and appear at the next court of general quarter sessions to be held for the said city or county, to answer the promises and abide the judgment of the court; and for want of such security the said justice shall, and he is hereby enjoined to commit the said offender to the gaol of the said city or county there to remain until he or she be legally discharged; which said recognizance, with such as shall be taken for the appearance of the witness^{es} shall be duly certified by the said justice to the next court of general quarter sessions of the peace where such offender shall be proceeded against by indictment as is usual in like cases.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all and every the constables of the respective townships or districts in this state shall, and are hereby enjoined and required to return on oath or affirmation unto the court of quarter sessions of their respective city or counties, the names and places of abode of all persons in their several townships or districts offending against this act; which said oath or affirmation the justices in their respective sessions are hereby enjoined to administer.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all forfeitures which may arise in pursuance of this act shall be collected by the respective sheriffs of the city or county where such forfeitures arise; and the said sheriff shall transmit one moiety thereof to the treasurer of the state to be disposed of by the general assembly; and shall pay the other moiety to the constable or other person or persons informing against the offender.

Passed November 27, 1778. See the note to the Act of Assembly passed January 2, 1778, Chapter 779; and the Acts of Assembly passed March 16, 1779, Chapter 827; October 6, 1779, Chapter 856; March 22, 1780, Chapter 904.

CHAPTER DCCCXX.

AN ACT FOR THE RELIEF OF ALBERTSON WALTON, OTHERWISE CALLED ALBINSON WALTON. .

(Section I, P. L.) Whereas Albertson Walton of the township of Byberry, in the county of Philadelphia, in the state of Pennsylvania, yeoman, was by a certain proclamation of the honorable, the supreme executive council of this state summoned by the name of Albinson Walton, late of the township of Byberry, husbandman, to render himself to some or one of the justices of the supreme court or of the peace on or before the twenty-fifth day of June last in order to abide his legal trial for any treasons or misprisons of treasons which might be charged against him:

(Section II, P. L.) And whereas it is set forth and alleged by the said Albertson Walton, That during the whole space of time between the said eighth day of May and the said twenty-fifth day of June he was in the power of the enemy, and that though he endeavored, yet he was not able to escape from them:

(Section III, P. L.) And whereas the said Albertson Walton hath humbly besought this house to be admitted to a legal trial for any treasons or misprisons of treasons by him said to be committed, before he suffers the pains, penalties and forfeitures incurred by not rendering himself according to the terms of the said proclamation:

Therefore:

[Section I.] (Section IV, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That if the said Albinson Walton, otherwise called Albertson Walton, shall, on or before the fifteenth day of December next, render himself to some or one of the justices of the supreme court, or of the justices of the peace of one of the counties within this state, and also abide his legal trial

for all treasons and misprisons of treasons which may be charged or alleged against him; that then upon the certificate of the said justices or justice that he hath so rendered himself, given security for his appearance and abiding the judgment of the court, or been committed to the gaol of the county either for want of sureties, or because the nature of the offense was not bailable in the opinion of the said justice or justices, and if the said certificate shall be recorded in the office of the master of the rolls for this state, or of the recorder of deeds for the city or county where such justice or justices shall reside; that then and in that case and whensoever such render shall be made and certificate granted and enrolled or recorded as aforesaid all and every the attainder or attainders, conviction or convictions, forfeitures and confiscations of estates, real and personal which may have happened or incurred to the said Albinson Walton, otherwise called Albertson Walton for or by reason of his not having rendered himself according to the said proclamation, shall be from thence forward, null, void and of no force or effect whatsoever, anything in the said proclamation or the act of assembly, entitled "An act for the attainder of divers traitors if they render not themselves by a certain day, and for vesting their estates in this commonwealth and for effectually discovering the same, and for ascertaining and satisfying the lawful debts and claims thereupon,"¹ to the contrary in any wise notwithstanding

[Section II] (Section V, P. L.) Provided always nevertheless, That nothing in this act contained shall be construed to extend to exempting the said Albinson Walton, otherwise called Albertson Walton from suffering any punishment or forfeiture or paying any penalty for any treason or misprison of treason of which he shall be convicted upon a trial by jury [and] sentenced by the judgment of court.

Passed November 27, 1778. See the note to the Act of Assembly passed March 6, 1778, Chapter 784.

¹ Passed March 6, 1778, Chapter 784.

CHAPTER DCCCXXI.

AN ACT TO CONTINUE, AS WELL AN ACT OF GENERAL ASSEMBLY OF THIS STATE, ENTITLED "AN ACT FOR THE REGULATION OF WAGONS, CARRIAGES AND PACKHORSES FOR THE PUBLIC SERVICE"¹ AS THE SUPPLEMENT, AND THE FURTHER SUPPLEMENT TO THE SAID ACT.

(Section I, P. L.) Whereas the act of general assembly enacted at Lancaster the second day of January last, entitled "An act for the regulation of wagons, carriages and pack-horses for the public service,"¹ will expire by its own limitation, at the end of the present sitting of assembly:

(Section II, P. L.) And whereas the public service requires that the said act should be continued for a longer time:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said act, and the supplement thereunto, passed at Lancaster, the twelfth day of March last, and also the further supplement to the said act passed at Philadelphia the tenth day of September last, and every article, clause, matter or thing in the said act and supplement and further supplement contained (except the clause limiting the continuance of the said act and except also such parts of the said act as are repealed by the said further supplement) be, and the same are hereby declared to be and continue in full force until the end of the first sitting of the next general assembly, anything in the said act to the contrary notwithstanding.

Passed November 30, 1778. See the note to the Act of Assembly passed January 2, 1778, Chapter 780.

¹ Passed January 2, 1778, Chapter 780.

CHAPTER DCCCXXII.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE FURTHER SECURITY OF THE GOVERNMENT."¹

(Section I, P. L.) Whereas every government hath an inherent and unquestionable right to exact a test of allegiance from all persons within it at such time and in such manner as the preservation and safety of the state shall require:

(Section II, P. L.) And whereas in conformity to this acknowledged principle of government the general assembly of this state hath enacted sundry laws by which all the male white inhabitants of this state (except certain persons therein excepted and described) should on or before the first day of June last, take and subscribe the oath or affirmation of allegiance directed by an act of general assembly of this commonwealth, passed on the thirteenth of June Anno Domini, one thousand seven hundred and seventy-seven:²

(Section III, P. L.) And whereas divers faithful subjects of this state and well affected to the liberty and independence thereof, from sickness, absence, want of information, and other unavoidable causes have omitted to take the said oath within the limited times, and are thereby become subject to the disabilities and penalties therein imposed:

(Section IV, P. L.) And whereas no sufficient security is provided in the said laws to prevent persons disaffected to the independence of this state from being elected into office, and doubts have also arisen on the construction of the said acts, which render it necessary to amend and explain the same:

[Section I.] (Section V, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all and every the male white

¹ Passed April 1, 1778, Chapter 796.

² Passed June 13, 1777, Chapter 756.

inhabitants above the age of eighteen years who have taken the oath or affirmation of allegiance as prescribed by law on or before the first day of June last, or who being then out of this state and who were within the exceptions of the act for the further security of government and had not an opportunity of taking the said oath or affirmation on or before the said first day of June but have since taken the same as directed by the said act, and have not thereafter taken any oath or affirmation of allegiance to the King of Great Britain, shall have and are hereby declared to have all the privileges of a free citizen of this state.

(Section VI, P. L.) Provided, That nothing in this act contained shall extend to remove any of the incapacities which minors are by law subjected to.

[Section II.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That every person who hath taken and subscribed the said oath or affirmation since the first day of June last and shall at any time after the publication of this act also take and subscribe, in the county where he resides before one of the commissioners hereinafter appointed the following oath or affirmation of allegiance, shall be, and is hereby declared to be, a free citizen of this state, and entitled to all and every the privileges thereof.

I, A. B., do solemnly and sincerely declare and swear, or affirm, that the state of Pennsylvania is, and of right ought to be, a free, sovereign and independent state. And I do forever renounce and refuse all allegiance, subjection and obedience to the King or crown of Great Britain. And I do further swear (or solemnly, sincerely and truly declare and affirm) that I never have since the declaration of independence, directly or indirectly aided, assisted, abetted or in any wise countenanced the King of Great Britain, his generals, fleets or armies, or their adherents in their claims upon these United States. And that I have ever since the declaration of the independence thereof demeaned myself as a faithful citizen and subject of this or some one of the United States. And that I will at all times maintain and support the freedom, sovereignty and independence thereof.

[Section III.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That every person now in office or

[place of trust under this government] shall on or before the first day of April next and every person hereafter appointed or elected into any office [or place of trust under this government] whatsoever, shall, before he enters upon the execution or duties thereof, make and subscribe, before the said commissioners or one of them, the aforesaid oath or affirmation.

[Section IV.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That every person who hath not taken the oath or affirmation directed to be taken by the said laws, or on or before the said first [day] of June last (except the persons before excepted) and who shall refuse or neglect to take and subscribe the oath or affirmation of allegiance herein prescribed, shall be and is hereby declared to be excluded from and incapable of electing or being elected into or holding, any office or place of trust under this government, and of serving on juries during the time of such neglect or refusal; but that all other penalties, incapacities and disabilities imposed by any former acts of assembly shall from henceforth cease and determine.

(Section X, P. L.) Provided always, That nothing in this act contained shall extend to discharge any person who has incurred a forfeiture of double taxes from the payment thereof in such assessments as have been made or which shall be made by virtue of the laws of this state heretofore passed.

[Section V.] (Section XI, P. L.) Be it further enacted by the authority aforesaid, That all and every person or persons who having taken the oath or affirmation of allegiance to this state before the first day of June last, and have since taken the oath or affirmation of allegiance to the King of Great Britain shall be in like manner excluded from and incapable of electing or being elected into or of holding any office or place of trust under this government until they shall take the oath herein prescribed.

[Section VI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That all persons removing into this state from other states and bringing with them authentic certificates of their having duly taken the oath or affirmation of allegiance to the state from which they have removed, shall be entitled to all the privileges of a free citizen of this state, upon taking and subscribing the oath or affirmation herein prescribed.

ed: And all strangers from beyond seas, if otherwise qualified, pursuant to the constitution of this state, shall be entitled to the privileges of freemen upon their respectively taking the oath or affirmation prescribed by the said act of assembly passed the thirteenth of June one thousand seven hundred and seventy-seven.¹

[Section VII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the following persons and each of them be and they are hereby appointed commissioners within the city of Philadelphia and within the several counties of the state for administering the oath or affirmation of allegiance herein prescribed, viz.: James Young, Plunket Fleeson, John Ord, and Isaac Howell, Esquires, for the city of Philadelphia; John Moore, Jonathan B. Smith, David Knox, Seth Quee and John Richards, Esquires, for the county of Philadelphia; Henry Wynkoop, Thomas Dyer and Thomas Lang for the county of Bucks; Persifer Fraser, John Kinkead and John Baton for the county of Chester; Thomas Whitesides, John Whitehill, Robert Craig, Robert Elder, John Thom and Christopher Marshall, Senior, of the county of Lancaster; Richard McAllister, David Watson, William Bailey, William Smith, Robert Stevenson and William McClean, Esquires, for the county of York; James Oliver, John Agnew, Samuel McCune, Archibald Erwin, Samuel Royer, Robert Peebles, David Elder, David McClure, Samuel Lyons and William Brown, Esquires, for the county of Cumberland; Henry Christ, John Patton, Richard Tea, Colonel Jonathan Jones, Samuel Ely and Nicholas Jones, Esquires, for the county of Berks; John Chambers, John Arndt, William McNair, Jacob Morey, Jacob Horner and Matthias Probst, Esquires, for the county of Northampton; David Espy, Abraham Cable, Benjamin Elliot and Robert Scott, Esquires, for the county of Bedford; Wilton Atkinson, William Shaw, Andrew Culbertson and Samuel Allen, Esquires, for the county of Northumberland; Edward Cook, Charles Foreman, James Barr and George Reading, Esquires, for the county of Westmoreland. Which said commissioners shall have the sole and exclusive right so to do, and which oath or affirmation shall and may be administered by any

¹ Passed June 13, 1777, Chapter 756.

one of the said commissioners; and they shall keep fair and regular registers of all persons by them so sworn or affirmed and deliver out certificates as by the former laws of this state the several justices of the peace were authorized to do; for each of which certificates the commissioner signing the same shall have and receive from the party the sum of seven shillings and six pence. And the said commissioners are hereby authorized and required, to collect authentic copies of the several registers now made and cause the same to be lodged in the prothonotary's office of their respective counties; and if any person possessed of any such register, shall upon demand, refuse to deliver an authentic copy of the same to the said commissioners or either of them, when required so to do, he shall forfeit the sum of one hundred pounds for every such refusal, to be recovered by the said commissioners of the city or respective counties, or a majority of them, in any court of record within this commonwealth by action of debt or otherwise.

[Section VIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That in case of the death, disability or refusal of any person to act as commissioner for the purpose aforesaid, the executive council are hereby authorized and required to make a new appointment, and fill all vacancies as they may happen. And the said commissioners and every of them before they proceed in the execution of their respective offices, shall, and they are hereby required to make and subscribe as well the oath or affirmation herein before prescribed, as the following oath or affirmation before some justice of the peace of this commonwealth, viz.:

"I, A. B. (do swear or affirm), That I will well and faithfully execute the office of a commissioner for administering the aforesaid oath or affirmation of fidelity and allegiance within the city of Philadelphia, or the county of, and that I will keep a true register of all persons who shall take the said oath or affirmation, and make true return thereof, and of the time when the same are so administered from time to time when required in due course of law," and the said commissioners shall, and they are hereby required to transmit to the judges of every election within the city and every district within this commonwealth, authentic copies of said register on the day of any election hereafter to be held, and previous to the opening of the

same; and every commissioner neglecting or refusing so to do shall forfeit for every such offense the sum of one hundred pounds, to be recovered by the prothonotary of the county in an action of debt, in any court of record within this state.

[Section IX.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That any commissioner or justice of the peace, who shall be legally convicted of antedating any certificate directed to be given by this or any former law of this state, shall be from thenceforth forever excluded from holding any office or place of trust or profit whatsoever under this state; And any other person who shall be legally convicted of forging any such certificate or altering the date thereof, shall be punished as forgers of deeds are by the common law.

[Section X.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That all fines which shall be recovered in pursuance of this act shall be paid to the treasurer of this state for the use of the state.

[Section XI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That so much of the acts, entitled "An act obliging the male white inhabitants of this state to give assurances of allegiance to the same and for other purposes therein mentioned,"¹ "A supplement to the act, entitled 'An act obliging the male white inhabitants of this state to give assurances of allegiance to the same and for other purposes therein mentioned,'"² "An act for the further security of government,"³ and another act, entitled "A supplement to the act, entitled 'An act for the further security of the government,'"⁴ as are hereby altered and supplied shall be, and are hereby repealed and declared null and void; but that all other clauses, matters and things in the said acts and supplements contained shall be and are hereby declared to be in full force and virtue as fully to all intents, purposes and constructions as if the present act had not been made.

Passed December 5, 1778. See the note to the Act of Assembly passed April 1, 1778, Chapter 796. The Act in the text was repealed by the Act of Assembly passed March 13, 1789, Chapter 1396.

¹ Passed June 13, 1777, Chapter 756.

² Passed October 12, 1777, Chapter 765.

³ Passed April 1, 1778, Chapter 796.

⁴ Passed September 10, 1778, Chapter 813.

CHAPTER DCCCXXIII.

AN ACT TO REVIVE AND CONTINUE AN ACT, ENTITLED ["A SUPPLEMENT TO THE ACT, ENTITLED] AN ACT FOR EMITTING THE SUM OF TWO HUNDRED THOUSAND POUNDS IN BILLS OF CREDIT FOR THE DEFENSE OF THIS STATE, AND PROVIDING A FUND FOR SINKING THE SAME BY A TAX ON ALL ESTATES REAL AND PERSONAL AND ON ALL TAXABLES WITHIN THE SAME," AND TO EXPLAIN AN ACT FOR RAISING THE SUM OF SIX HUNDRED AND TWENTY THOUSAND DOLLARS FOR THE USE OF THE UNITED STATES OF AMERICA [AND FOR OTHER PURPOSES THEREIN MENTIONED.]"

(Section I, P. L.) Whereas the act of assembly of this state, entitled "A supplement to the act, entitled 'An act for emitting the sum of two hundred thousand pounds in bills of credit for the defense of this state, and providing a fund for sinking the same by a tax on all estates real and personal, and on all taxables within the same;'"¹ passed the thirteenth day of October, in the year of our Lord one thousand seven hundred and seventy-seven, expired by its own limitation on the first day of October last:

(Section II, P. L.) And whereas the third section of the act, entitled "An act for raising the sum of six hundred and twenty thousand dollars for the use of the United States of America,"² passed the twenty-seventh day of March last directs that the sum assessed by the said act should be levied and paid on and [sic] [or] before the first day of September (then next and) now past, whereby doubts have arisen whether, as the day is now past whereon the said money ought to have been paid, the commissioners and assessors have now power by the said act to assess and levy the quotas of the said sum yet due by the city of Philadelphia, and by several of the counties of this state:

For remedy whereof, and to explain the said doubts:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the

¹ Passed October 13, 1777, Chapter 767.

² Passed March 27, 1777, Chapter 794.

authority of the same, That the said supplement and every article, clause, matter or thing therein contained (except the last clause which limits the continuance of the same) be, and the same is hereby declared to be revived, and to be and continue in full force, anything in the said supplement contained to the contrary, notwithstanding.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the commissioners and assessors for the time being of the city of Philadelphia, and of such of the counties in this state respectively as have not paid their full quota of the said sum of six hundred and twenty thousand dollars, according to the directions of, and in the proportions laid by the said act for raising the said sum of six hundred and twenty thousand dollars shall, and they are hereby empowered and required to assess and cause the same to be levied, collected and paid into the treasury of this state, within three months from passing this act, according to the directions and under the penalties in the said act expressed.

(Section V, P. L.) And whereas in and by an act, entitled "An act for raising the sum of six hundred and twenty thousand dollars for the use of the United States of America," the treasurer of this state is ordered to pay the moneys received by him by virtue of the said act to the continental treasurer:

(Section VI, P. L.) And whereas it is in contemplation to place the said moneys into the continental loan office:

[Section III.] (Section VII, P. L.) Be it therefore enacted by the authority aforesaid, That so much of the said act as directs the payment of the said moneys to be made into the continental treasury shall be, and is hereby repealed and that the treasurer of this commonwealth do hold the same moneys subject to the order of the general assembly of this state. And the said act and every article, clause, matter or thing therein contained (except such parts thereof as are herein altered or supplied) shall be, and the same is hereby declared to be and continue in full force.

Passed December 5, 1778. See the notes to the Acts of Assembly passed October 3, 1777, Chapter 767, March 27, 1778, Chapter 794.

CHAPTER DCCCXXIV.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR SETTLING THE ACCOUNTS OF THE LATE COMMITTEE AND COUNCIL OF SAFETY."¹

(Section I, P. L.) Whereas by an act, entitled "An act for settling the accounts of the late committee and council of safety,"¹ William Moore, Joseph Dean and David Rittenhouse were appointed auditors with full powers to audit, collect, adjust, liquidate and settle the accounts of the said committee and council of safety:

And as the said William Moore, Joseph Dean and David Rittenhouse have severally resigned their said appointments and refused to act therein:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That John Nixon, John Maxwell Nesbitt and Benjamin Fuller be, and they are hereby appointed auditors in the place and stead of the said William Moore, Joseph Dean and David Rittenhouse, with all the powers and authorities for carrying the said act, to which this is a supplement into effect, as if they the said John Nixon, John Maxwell Nesbitt and Benjamin Fuller had been named in the said act.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That the said auditors shall each, and severally, receive for their trouble in the said business, the sum of four pounds, ten shillings per diem, for each day they shall attend and be employed in auditing the accounts as aforesaid.

Passed December 5, 1778. See the note to the Act of Assembly passed September 2, 1778, Chapter 806. The act in the text was repealed by the Act of Assembly passed March 1, 1780,, Chapter 332.

¹ Passed September 2, 1778, Chapter 806.

Laws enacted in the second sitting of the third General Assembly of the Commonwealth of Pennsylvania, which commenced at Philadelphia, on Monday, the first day of February, A. D. 1779, and continued till Monday, the fifth day of April of the same year:

CHAPTER DCCCXXV.

AN ACT TO INCREASE THE FEES OF TAVERN LICENSES, THE FINES ON TIPLING HOUSES AND THE RATES OF EXCISE.

(Section I, P. L.) Whereas the fees heretofore paid for tavern licenses, the fines imposed on such as keep taverns or tippling-houses without license, and the rates of excise on spirituous liquors are altogether inadequate to the exigencies of government and to the good purposes for which the said fees and excise are now by the constitution of this commonwealth appropriated and the said fines imposed; and as tavern keepers and dealers in spirituous liquors make much greater profits at this time than they did when the laws regulating the said fees and excise were passed, it is but just and reasonable that they should contribute proportionately towards the support of government and to defray the great debts unavoidably incurred in carrying on the just and necessary war in which these United States are at present engaged for the preservation of their rights and liberties:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act every person or persons who shall obtain a license to keep a tavern or public house of entertainment within this

commonwealth according to the directions and in the manner mentioned and expressed in and by the laws now in force shall pay therefor three times the fees which such person or persons ought to have paid according to the directions of the said laws.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons within this commonwealth shall after the publication of this act have or keep any public inn, tavern, ale-house, tippling-house, or dram shop, victualling house or public house of entertainment without such license to be obtained as aforesaid, such person shall for every such offense forfeit and pay instead of five pounds the sum of thirty pounds; and that every person having obtained such license who shall suffer any disorder such as drunkenness or any unlawful games in his, her or their house, or in any place in his, her or their occupancy, shall for the first offense forfeit and pay instead of forty shillings the sum of twelve pounds; and for every other offense committed by such person against the laws of this commonwealth now in force relating to, or concerning inn-keepers and tavern keepers or retailers of spirituous liquors as such, every such offender or offenders shall forfeit and pay six times the sum and sums respectively which were imposed by the said laws:

(Section IV, P. L.) And whereas by the laws of this commonwealth heretofore passed, it is enacted that a rate, duty and sum of four pence per gallon should be imposed and levied on all wive, rum, brandy and other spirits bartered, sold or consumed within this commonwealth except as in the said laws is excepted, and that each and every retailer thereof should pay therefore the rate and duty of three pounds per annum:

[Section III.] (Section V, P. L.) Be it enacted by the authority aforesaid, That instead of the said rate, duty and sum of four pence per gallon there shall after the publication of this act be raised, levied and collected the rate, duty and sum of one shilling per gallon and so in proportion for any greater or lesser quantity for all wine, rum, brandy and other spirits, bartered, sold or consumed within this state except as aforesaid, and that each and every such retailer thereof as aforesaid shall instead of the sum of three pounds per annum pay the sum of nine

pounds yearly and every year, all which rates, duties, sum and sums of money shall be raised, levied and collected in the same manner and according to the directions and exceptions and under treble the respective penalties in the said laws mentioned, expressed and imposed.

[Section IV.] (Section VI, P. L.) And be it enacted by the authority aforesaid, That all moneys arising from tavern licenses (except the fees to be paid thereon to the [justices and] clerk of the general quarter sessions and clerk of the common pleas of the city of Philadelphia, and of each county of this state and except also the fees thereon to the secretary of the state) and each and every of the fines imposed upon and paid by each and every person and persons who shall keep inns or taverns without such license as aforesaid, and also all and singular the moneys arising and collected from the excise aforesaid, after deducting the collector's fees shall by the respective officers be paid into the treasury of this state for the use of the same within three months after the same have been collected by and paid unto them respectively from time to time under the penalty of forfeiting and paying double such sum and sums which they or either of them shall have in their hands and shall neglect or refuse to pay as aforesaid to be recovered against them or either of them by action on the case or of debt or account render as the case may require in the name of the commonwealth of Pennsylvania.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all and singular the moneys heretofore received on account of the excise by the former or present collectors thereof in the different counties of this commonwealth and not paid according to the true intent and meaning of the said laws shall be paid by the said collectors respectively into the treasury of this commonwealth within three months from and after the publication of this act under the penalty of forfeiting and paying double the sum and sums that they or either of them shall neglect or refuse to pay in manner aforesaid to be recovered in the manner herein before directed.

Passed March 15, 1779. See the notes to the Acts of Assembly passed February 28, 1710-11, Chapter 172; September 21, 1756, Chapter 412; March 21, 1772, Chapter 656. The act in the text was repealed by the Act of Assembly passed March 17, 1780, Chapter 897.

CHAPTER DCCCXXVI.

AN ACT TO EMPOWER THE TRUSTEES FOR BUILDING A COURT HOUSE AND PRISON IN AND FOR THE COUNTY OF BEDFORD TO SELL A MESSUAGE AND LOT OF GROUND IN THE TOWN OF BEDFORD PURCHASED BY THEM TO SERVE AS A TEMPORARY PRISON, AND TO APPROPRIATE THE MONEYS ARISING BY SUCH SALE.

(Section I, P. L.) Whereas the said trustees have by their petition represented to this house that they were under the necessity immediately after the said county was erected to provide some place to serve for a prison till a proper house for that purpose could be built, that they therefore purchased a house and lot from James McCashlan situate on the east side of the main cross street in the town of Bedford numbered six in the general plan of the said town, bounded on the west by the said street, on the south partly by the public square and partly by lot number seven, on the east by a twenty feet alley and on the north by lot number five, which the said James McCashland by his deed poll dated the thirteenth day of November in the year of our Lord one thousand seven hundred and seventy-one, for the consideration therein mentioned conveyed to Arthur St. Clair, Barnard Dougherty, George Woods and William Proctor, Esquires, and Thomas Coulter, gentleman, the trustees aforesaid in trust for the said county; that the said trustees have since procured a more convenient lot on which they have built a court-house and prison, by which the said temporary prison is become unnecessary; and praying this house would pass a law to enable them to sell the same and to apply the money arising from the sale thereof towards defraying the debt incurred by the said county in purchasing the said lot and building the said court-house and prison:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said Arthur St. Clair, Barnard Dougherty, George Woods, William Proctor and Thomas Coulter or any three of them shall be and they or any three of them are hereby enabled and empowered to grant, bargain and sell the said messuage and lot of ground with the appurtenances as the same is above bounded and described and to convey a lawful right and title to the same by deed indented under their hands and seals or under the hands and seals of any three of them to such person or persons as may purchase the same, to have and to hold the same to the proper use, benefit and behoof of such purchaser or purchasers, his, her or their heirs and assigns as fully and for the same estate as the said trustees as aforesaid had held and enjoyed the same and under and subject to the same ground rent or other encumbrances, saving to all persons, bodies politic and corporate, their heirs and successors, executors and administrators, all such right, title and interest as they or any of them have or may have to said messuage, lot and appurtenances so bounded and described as aforesaid or to any part thereof this act or anything [therein] contained to the contrary in any wise notwithstanding.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said trustees or such and so many of them as shall sell and convey the said messuage and lot shall apply and pay all the moneys arising from such sale (after deducting the necessary charges arising from making said sale) for and towards defraying the debt incurred by them as aforesaid.

Passed March 15, 1779. See the notes to the Acts of Assembly passed March 9, 1771, Chapter 629; July 23, 1774, Chapter 697.

CHAPTER DCCCXXVII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO PROHIBIT FOR A LIMITED TIME THE MAKING OF WHISKEY AND OTHER SPIRITS FROM WHEAT, RYE OR ANY OTHER SORT OF GRAIN OR FROM ANY MEAL OR FLOUR."¹

(Section I, P. L.) Whereas nothing but necessity and a conviction that the welfare and safety of the public cannot otherwise be secured and promoted will justify the legislature of a state in making laws to empower the executive officers of the state to break open the doors of the house or out-houses of any of the citizens thereof in any case whatsoever:

(Section II, P. L.) And whereas a sacred regard to the liberties of the good people of this state and a belief that public virtue alone would be a sufficiently strong motive to induce them to submit to the said law which necessity and the public good made absolutely necessary prevented the legislature of this state at the passing thereof from enacting a clause in the same to empower the constables of the respective townships or districts in this state to break open the still-houses of such as should offend against the said act of assembly:

(Section III, P. L.) And whereas many persons minding only their own private gain, lucre and profits and regardless of the sufferings of their fellow citizens have in defiance and contempt of the said act continued to make, extract and distil whiskey and other spirits contrary to the true intent and meaning of the same, and by keeping their still-house door shut have screened themselves from the penalties inflicted by the said act on such as are guilty of such unlawful practices:

For remedy whereof:

[Section I.] (Section IV, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of

¹ Passed November 27, 1778, Chapter 819.

this act, if it shall appear to any justice of the peace of this state on the oath or affirmation of any constable or other credible person (which the said justice is hereby empowered and required to administer) that there is cause to suspect that any distiller or other person or persons is or are distilling or causing to be distilled, whiskey or other spirits from any wheat, rye or any other sort of grain or from any malt, meal or flour contrary to the true intent and meaning of the said act, it shall and may be lawful for, and the said justice is hereby empowered and required to issue his warrant authorizing the constable of the township or district where the offender dwells calling to his assistance such and so many persons as he may think necessary to enter in the day time and if necessity requires to break open the door of any still-house or other place where such unlawful practices are suspected to be carried on as aforesaid to discover and enable the said constable or other person to bring to due punishment such offender.

(Section V, P. L.) And whereas no provisions are made in the said act to prevent grain from being carried out of this state and as laws prohibiting distilling have not been passed in the adjoining states the good people of this state suffer all the inconveniences without reaping the full advantages of the said act:

[Section II.] (Section VI, P. L.) Be it therefore enacted by the authority aforesaid, That if any person or persons whatsoever shall from and after the publication of this act export or carry or cause to be exported or carried out of this state any wheat, rye, barley or any other sort of grain or any meal, flour or malt, or shall knowingly buy or sell or cause to be bought or sold any wheat, rye, barley or any other sort of grain or any meal, flour or malt for the purpose and intent of being exported or carried out of this state, which grain, meal flour or malt shall be accordingly exported or carried out of the same (except for the use of the United States) every such person or persons so offending upon conviction thereof in the court of general quarter sessions of the peace for the city or county where such offense is committed shall for every such offense forfeit and pay the sum of five hundred pounds and also incur a forfeiture of all such wheat,

rye, barley or other grain or meal, flour or malt so exported or carried out of this state or bought or sold with that intent as aforesaid to be ascertained and assessed by the jury by whom the cause shall be tried, which said forfeiture shall be collected by the respective sheriffs of the city or county where such forfeiture arises and the said sheriff shall transmit one moiety thereof to the treasurer of this state to be disposed of by the general assembly and shall pay the other moiety to the constable or other person or persons informing against the offender.

(Section VII, P. L.) And whereas it is set forth in the petition of several of the inhabitants of Cumberland county that by reason of the short time between the enacting the said law and its taking effect many persons especially in the more remote parts of the state, not having had notice of the same, had mashed several quantities of grain before the respective days on which the said law took effect, by which it was rendered unfit for any other use, and therefore they had distilled it afterwards, but have since paid a due obedience to the said law and praying the aid of the legislature for their relief:

[Section III.] (Section VIII, P. L.) Be it therefore enacted by the authority aforesaid, That no person or persons whatsoever within this state shall incur, forfeit or pay any fine or penalty for, or by reason of distilling or extracting any whiskey or other spirits from any grain, meal or malt which was bona fide mashed before the respective days on which the said act became in force and took effect; anything in the said act to the contrary thereof in anywise notwithstanding.

(Section IX, P. L.) Provided always nevertheless, That where any whiskey has been distilled after the expiration of eight days after the said respective days on which the said act took effect, the proof that the grain, meal, flour or malt from which such whiskey was distilled, was mashed as aforesaid before the said days shall lie on the party distilling the same.

[Section IV.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons has or have been or shall be indicted or presented for distilling whiskey from grain, meal or malt so mashed, on proof thereof as aforesaid it shall and may be lawful for the attorney general, and he

is hereby empowered and required to enter a noli prosequi on every such indictment or presentment on the defendant's paying the fees thereon.

Passed March 16, 1779. See the note to the Act of Assembly passed November 27, 1778, Chapter 819.

CHAPTER DCCCXXVIII.

AN ACT TO INCREASE THE FINES AND PENALTIES ON PUBLIC OFFICERS FOR REFUSAL OR NEGLECT OF DUTY; AND ALSO TO AUGMENT THE FEES OF THE SEVERAL OFFICERS HEREINAFTER MENTIONED.

(Section I, P. L.) Whereas the fines and penalties which the different public civil officers of this commonwealth are by the laws thereof now in force liable to forfeit and pay for or by reason of their neglecting or refusing to perform the duties of their several offices, are no sufficient security to the public for the due and faithful discharge of the trusts reposed in them, or the performance of the duties enjoined them by the said laws, to the great hindrance of public business and the insecurity of the good people of this state:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That if any of the sheriffs, coroners, constables, overseers of the poor, supervisors of the highways, county commissioners and assessors, township assessors, collectors of the public taxes, jurymen, judges and inspectors of elections of representatives and all and every other of the civil officers of this commonwealth which by the laws thereof now in force are liable to pay a fine or forfeiture for any neglect or refusal to do and perform any of the duties which they were empowered, enjoined or required to do and perform by the directions of the said laws; each and every such officer or officers so refusing or neglecting to do, execute and perform any of the said

duties so enjoined and required of them shall for every such offense respectively forfeit and pay five times the sum and sums which such offender or offenders are liable to forfeit and pay by the said laws (except as hereinafter mentioned,) to be sued for recovered, paid and applied in the same manner and for the same uses and purposes respectively as the former fines were by the said laws directed to be sued for, recovered, paid and applied.

[Section II.] (Section III. P. L.) Provided always nevertheless and be it further enacted by the authority aforesaid, That if any of the said officers within the city of Philadelphia shall incur any fine or forfeiture for neglecting or refusing to do and perform any of the duties required or enjoined to be done and performed by them or any of them by laws of the province of Pennsylvania which were in force on the third day of July one thousand seven hundred and seventy-six; and which fine and forfeiture was by the said laws payable to the mayor and commonalty of the said city of Philadelphia each and every such fine shall be, and is hereby declared to be appropriated to and for the same uses and purposes in the said city as the fines and forfeitures for the like offenses are appropriated in and for each of the several counties in this state and shall be sued for, recovered, paid and applied in the same manner, anything in the said laws to the contrary thereof notwithstanding.

(Section IV, P. L.) And whereas the fees of the said officers as they stood regulated by the former laws of this state are become so far inadequate to their expenses whilst attending on public business, that if a remedy be not applied they must attend on and perform the duties of their respective offices greatly to the prejudice of their private fortunes; and the persons most capable of executing, doing and performing the duties of the said offices will not apply for or accept of them to the great hindrance and irregularity in public business and greatly to the prejudice and inconvenience of the good people of this commonwealth:

For remedy whereof:

[Section III.] (Section V, P. L.) Be it further enacted by the authority aforesaid, That from and after the publication of this act the several fees of the attorney-general, sheriff, coroner, jus-

tices of the peace, justices of the common pleas, justices of the orphans' court, prothonotary or clerk of the supreme court, clerk of the general quarter sessions of the peace, prothonotary or clerk of the court of common pleas, clerk of the orphans' court, the registers of the several counties, master of the rolls and of the several recorders of deeds, attorneys, constables and crier of the court, and all other the civil officers in this government (except the officers hereinafter named) whose fees stood regulated by the laws thereof in force on the twenty-fifth day of March in the year of our Lord one thousand seven hundred and seventy-eight shall be three times the sum and sums as they respectively at that time stood rated; and that the wages of jurymen and witnesses shall respectively be four times the sum and sums rated in the said laws, as the wages allowed them by the said laws were by no means adequate to their necessary expenses whilst they were attending on their respective business and duties.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That an act of assembly of this state passed at Lancaster the twenty-sixth day of March in the year of our Lord one thousand seven hundred and seventy-eight [entitled 'A supplement to the act], entitled 'An act for the regulating and establishing of fees,'"¹ shall be and the same is hereby declared to be repealed to all intents and purposes.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That this act shall be and continue in force until the end of the next sitting of the general assembly and no longer.

Passed March 16, 1779. See the note to the Act of Assembly passed August 22, 1752, Chapter 398; and the Acts of Assembly passed October 9, 1779, Chapter 862; November 27, 1779, Chapter 875; February 28, 1780, Chapter 879; March 1, 1780, Chapter 882; March 8, 1780, Chapter 888; March 17, 1780, Chapter 897; April 3, 1781, Chapter 935; June 21, 1781, Chapter 945.

¹ Passed March 26, 1778, Chapter 793.

CHAPTER DCCCXXIX.

AN ACT FOR VESTING THE HOUSE AND LOTS THEREIN DESCRIBED IN TRUSTEES FOR THE USE OF THE PRESIDENT OF THE PRESIDENT [SIC] OF THE SUPREME EXECUTIVE COUNCIL OF THE STATE FOR THE TIME BEING.

(Section I, P. L.) Whereas by an act of general assembly of this commonwealth, entitled "An act for the attainder of divers traitors if they render [not] themselves by a certain day and for vesting their estates in this commonwealth and for more effectually discovering the same and satisfying the lawful debts and claims thereupon,"¹ Joseph Galloway, late of this state is convicted and attainted of high treason, and all the estate real and personal which he was seized of or entitled unto on the fourth day of July, one thousand seven hundred and seventy-six was by the said act forfeited to the state:

(Section II, P. L.) And whereas on the said fourth day of July the said Joseph Galloway was seized, inter alia, of a certain messuage or tenement and lot of ground in the city of Philadelphia situate on the south side of High street, containing in breadth on the said High street sixty feet and in length or depth on Sixth street one hundred and eighty feet bounded eastward with the messuage and lot of Richard Penn, southward with Minor street, westward with Sixth street and northward with High street aforesaid, and also of and in a certain other lot or piece of ground situate on the south side of Minor street aforesaid, containing in breadth on the said street sixty feet and in depth eighty-six feet, bounded northward by Minor street aforesaid, eastward and southward by ground of Elizabeth Church and westward by Sixth street aforesaid:

(Section III, P. L.) And whereas it is suitable and necessary that a proper house be provided by the public for the residence of his excellency the president of the supreme executive council of the state for the time being:

¹ Passed March 6, 1778, Chapter 784.

[Section I.] (Section IV, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said messuage or tenement, and two lots or pieces of ground with all the buildings, improvements and appurtenances thereunto belonging shall be and the same are hereby granted to and vested in Plunket Fleeson, Jonathan Bayard Smith, William Henry, George Schloffer and Isaac Howell, Esquires, to have and to hold the said messuage or tenement and lots of ground and all and singular the appurtenances thereunto belonging unto them the said Plunket Fleeson, Jonathan Bayard Smith, William Henry, George Schloffer and Isaac Howell and the survivors and survivor of them and to the heirs of the survivor of them forever, subject to the ground rent, and other encumbrances under which the said Joseph Galloway held the same; yet nevertheless to the uses, intents and purposes herein after specified and to no other use, intent or purpose whatsoever, That is to say, to and for the use of the president of the supreme executive council of this state for the time being, and to and for such other uses, intents and purposes as the general assembly of this commonwealth shall hereafter direct and appoint, and on this further trust and confidence that they the said trustees and the survivors and survivor of them and the heirs of such survivor do and shall permit and suffer the president of the supreme executive council of the state for the time being, to have the exclusive care and management of the said house and lots with the appurtenances, either to occupy the same or to lease and receive the rents, issues and profits thereof to his private use and advantage.

Passed March 18, 1779. See the note to the Act of Assembly passed March 6, 1778, Chapter 784; and the Acts of Assembly passed March 29, 1779, Chapter 832; February 28, 1780, Chapter 878.

CHAPTER DCCCXXX.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR EMITTING THE SUM OF TWO HUNDRED THOUSAND POUNDS IN BILLS OF CREDIT FOR THE DEFENSE OF THIS STATE AND PROVIDING A FUND FOR SINKING THE SAME BY A TAX ON ALL ESTATES, REAL AND PERSONAL AND ON ALL TAXABLES WITHIN THE SAME¹ AND ALSO TO THE ACT ENTITLED "AN ACT FOR RAISING THE SUM OF SIX HUNDRED AND TWENTY THOUSAND DOLLARS FOR THE USE OF THE UNITED STATES OF AMERICA."²

(Section I, P. L.) Whereas by the devastation and destruction of private property in sundry of the interior counties of this state by the British army and the frequent inroads of the savages and others the emissaries of Great Britain upon the frontier counties a very considerable number of the inhabitants are rendered incapable of paying their several proportions of the public taxes as well those laid for defraying the particular expenditures of this state, as of the six hundred and twenty thousand dollars ordered to be raised for the use of the United States:

(Section II, P. L.) And whereas these distresses have befallen the said inhabitants in consequence of their attachment to the common cause and not from any particular fault of theirs:

Therefore:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the commissioners and assessors or a majority of them of the city and county of Philadelphia, the counties of Chester, Cumberland, Northampton, Bedford, Northumberland and Westmoreland are hereby authorized to exonerate and discharge such of their taxable inhabitants as shall make sufficient proof, or for or in behalf of whom sufficient proof shall be made to the said commissioners and assessors respectively, of their having been driven off and dispossessed of their settlements, or otherwise disabled by the enemy to pay their

¹ Passed March 20, 1777, Chapter 752.

² Passed March 27, 1778, Chapter 794.

respective taxes, from the payment of the several sums, or such parts thereof as they shall deem just and reasonable, with which they may be or ought to have been charged, as well of the tax of five shillings in the pound imposed by an act passed the twentieth day of March, Anno Domini one thousand seven hundred and seventy-seven as of their respective quotas of the six hundred and twenty thousand dollars directed to be raised for the use of the United States; which remission or mitigation shall only be made in favor of those who have, bona fide, suffered by the incursions or inroads of the common enemy and in such proportions as their several losses of property justly demand.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the commissioners and assessors of the said city and counties respectively shall transmit to the general assembly a list of the names of the persons so exonerated stating the particular sums so remitted to each particular person; and that the deficiencies which may arise in raising the quotas of the said city and counties by reason hereof shall be paid and made good out of the state taxes which shall be levied and raised hereafter.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That so much of the said acts to which this is a supplement as is herein altered, supplied or amended is hereby repealed and declared null and void.

Passed March 20, 1779. See the notes to the Acts of Assembly passed March 20, 1777, Chapter 752; March 27, 1778, Chapter 794.

CHAPTER DCCCXXXI.

AN ACT TO ASCERTAIN THE NUMBER OF TAXABLE INHABITANTS WITHIN THE CITY OF PHILADELPHIA AND WITHIN EACH OF THE COUNTIES OF THIS COMMONWEALTH.

(Section I, P. L.) Whereas it is declared in and by the seventeenth section of the constitution of this commonwealth that "as representation in proportion to the number of taxable inhabi-

tants is the only principle which can at all times secure liberty, and make the voice of a majority of the people the law of the land, therefore the general assembly shall cause complete lists of the taxable inhabitants in the city and each county in the commonwealth respectively to be taken and returned to them on or before the last meeting of the assembly elected in the year one thousand seven hundred and seventy-eight:"

In pursuance therefore of the said direction of the constitution:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the commissioners of the city of Philadelphia and of each county within this commonwealth, shall and they are hereby enjoined and required to meet at such convenient time and place as they may appoint and shall make out a true and exact list of all and every of the taxable inhabitants in each township, ward or district in the said city and each of the said counties, according to the return next before the time of the said meeting to them made by the assistant assessors of the townships, wards or districts of the said city, and of each of the said respective counties and shall certify the number and names of the said taxable inhabitants within the said city and counties respectively under their hands and seals or under the hands and seals of any two of them for the said city and for each county and shall deliver or cause to be delivered the said lists to the general assembly at or before the expiration of ten days after the beginning of the next meeting of the said assembly. And in order to prevent any undue practices in making out the said returns and certificates, the said commissioners or so many of them as shall certify the said returns shall before some justice of the peace of the proper county make oath or affirmation (which such justice is hereby required and empowered to administer and certify under his hand and seal underneath each of the said certificates) that the list of taxable inhabitants by them made out is just and true according to the best of their knowledge and belief.

[Section II.] (Section III, P. L.) And be it further enacted by

the authority aforesaid, That all taxable inhabitants who have removed from the county they resided in on account of the incursions of the Indians shall be returned and considered as inhabitants of the county from whence they have so removed and not as inhabitants of the county where they now reside.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any of the said commissioners shall neglect or refuse to make out the said lists as aforesaid, or shall neglect or refuse to deliver or cause the same to be delivered as aforesaid, each and every commissioner so neglecting or refusing shall for every such offense forfeit and pay the sum of five hundred pounds for the use of this state.

Passed March 29, 1779. See the Acts of Assembly passed March 3, 1786, Chapter 1204; April 10, 1793, Chapter 1683; March 7, 1800, Chapter 2119; March 31, 1807, P. L. 100; February 21, 1814, P. L. 60; January 6, 1821, P. L. 4; March 26, 1821, P. L. 98; March 31, 1836, P. L. 328.

CHAPTER DCCCXXXII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR THE ATTAINDER OF DIVERS TRAITORS IF THEY RENDER NOT THEMSELVES BY A CERTAIN DAY, AND FOR VESTING THEIR ESTATES IN THIS COMMONWEALTH, AND FOR MORE EFFECUTALLY DISCOVERING THE SAME, AND FOR ASCERTAINING AND SATISFYING THE LAWFUL DEBTS AND CLAIMS THEREUPON."¹

(Section I, P. L.) Whereas in and by the act above mentioned, passed at Lancaster the sixth day of March in the year of our Lord one thousand seven hundred and seventy-eight, it is enacted that the president [or vice-president] and council may and shall within twelve months after the claims and debts upon the estates therein described shall be respectively adjudged, or in case there shall be no debts, sell or cause the said estates to be sold by auction to the best and highest bidder:

(Section II, P. L.) And whereas it is highly necessary and expedient to compel an exhibition of such debts or demands in a

¹ Passed March 6, 1778, Chapter 784.

reasonable time and prevent further waste and spoil of the said estates, and to make seasonable provision for the defense of the state and the contingent charges thereof, that the said estates both real and personal should be sold without further delay and the moneys thence arising carried into the public treasury for the purposes aforesaid.

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the president or vice-president and council may and shall with all convenient speed, sell or cause to be sold by public auction to the best and highest bidder all and every the estates of traitors duly forfeited to this commonwealth by virtue of the act to which this is a supplement, or by virtue [of any judgment] of any court of law within this state, and cause the moneys arising from such sales to be paid into the public treasury of this commonwealth in manner herein after directed, anything in the said act to the contrary notwithstanding (except that part of the estate of Joseph Galloway, which is appropriated by an act, entitled "An act for vesting the house and lots therein described in trustees for the use of the president of the supreme executive council of the state for the time being."¹

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That whenever such intended sales shall be advertised public notice shall also be given that the creditors of the said traitors and all claimants upon the said respective estates exhibit their several claims and demands to the justices of the supreme court for payment or satisfaction as is by the said act directed within six months thereafter if residents within this state, or within twelve months if residents in any other of the United States, or be forever barred from the recovery thereof.

(Section V, P. L.) Provided always nevertheless, That if any such creditor or claimant shall at the time of such notice given be within the age of twenty-one years, feme covert, non compos mentis, imprisoned, or beyond sea, that then such person or per-

¹ Passed March 18, 1779, Chapter 829.

sons shall be at liberty to exhibit their claims or demands as other persons now may, so as the same be done within six months if residents within this state or if residents within any other of the United States, within twelve months after such disability is removed.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any process or proceedings by virtue of which any such attainder or judgment has been or may be made as aforesaid shall hereafter be reversed or made void for error or for any other cause whatsoever, the same shall not affect or injure or in any wise operate against any bona fide purchaser under this act, but against the state only but every such purchaser shall hold and possess the estate by him purchased forever exonerated and discharged of all former claims and demands whatsoever in law or equity (other than such as are herein after mentioned) and in every such case the plaintiff in error or person injured by the attainder or judgment by virtue of which any such estate shall be sold shall apply to the legislature to be indemnified out of the public treasury to the amount of the purchase money of such estate.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the agent or agents for disposing of forfeited estates in the city of Philadelphia and each respective county shall within three months after the sale of any such estate real and personal in such county pay the sum or sums of money arising therefrom to the treasurer of the state after deducting all such lawful costs and charges as may accrue on the prosecution of each respective traitor, and on the sale of each respective estate and the receipt of the said treasurer shall be a sufficient discharge to such agents, their executors and administrators for the moneys by them paid; and if any of the said agents shall neglect or refuse to pay the said moneys or any part thereof as aforesaid such agent or agents so neglecting or refusing shall forfeit and pay double such sum or sums, which he or they shall so neglect or refuse to pay as aforesaid, to be recovered by action of debt, case or account render as the case may require in the name and for the use of the commonwealth of Pennsylvania.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend or be construed to extend, so as to debar or prevent any person or persons, or bodies politic or corporate other than such as claim under any attainted or convicted traitor from pursuing his, her or their action or actions, suit or suits in any of the courts of record in this state in the usual way for the trial of his, her or their title to any of the lands or to the possession of any of the lands or other real estate seized as the estate of any such traitor.

(Section IX, P. L.) Provided always nevertheless, That if any person or persons who shall purchase any real estate seized and sold as the estate of any convicted or attainted traitor shall be evicted or shall be dispossessed of the same by the judgment of any court of common pleas or of the supreme court of this state given in any ejectment which shall be brought by any person or persons having a lawful title thereunto at the time of the said sale or afterwards by remainder or reversion against such purchaser, his heirs or assigns, his or their tenants within twenty years after the same shall be sold by virtue of this act, every person so evicted, his heirs or assigns shall be paid the value of such estate at the time of such eviction out of the treasury of this commonwealth.

[Section VI.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That where any claims or demands have heretofore been made, and where any claims or demands shall hereafter be made on any of the estate of any traitor in pursuance of the act to which this is a supplement, if the party or parties making such claim or demand, his, her or their agent or agents, attorney or attorneys shall request the same, the said justices shall direct proper issues to be joined and shall cause and direct a jury to be summoned for the trial of such issues, and such proceedings shall thereupon be had as is usual and according to the course of law, and the said court on the finding of such jury shall pronounce judgment and award process agreeable to the practice in other cases. Provided such claim or demand amount to five pounds or more.

[Section VII.] (Section XI, P. L.) And be it further enacted

by the authority aforesaid, That the agent or agents in the city of Philadelphia and in each of the respective counties shall over and above their necessary expenses have and receive as a compensation for his or their trouble in attending the management and disposal of each estate at the rate of one per centum if the money for which such estate shall be sold shall not exceed one thousand pounds; and at the rate of three-fourths of one per cent. if it shall exceed one thousand pounds, and not exceed five thousand pounds, and at the rate of one-half per cent. if the amount of said sale shall exceed five thousand pounds.

[Section VIII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the fees and allowances of the prothonotary of the supreme court, auditors, jurors and witnesses for all services done by them respectively in pursuance of the act to which this is a supplement or of this act shall be the same as the fees and allowances of the said prothonotary, auditors, jurors and witnesses for like services by them done and performed in the supreme court in other cases; And that the judges of the supreme court shall be allowed their reasonable expenses while they shall be employed in performing the extra services required to be performed by them by the act to which this is a supplement or by this act, and their accounts for the same to be liquidated by the committee of accounts appointed by the general assembly for the time being, and drafts for the same on the treasurer of this state shall be signed by the speaker of the said general assembly.

[Section IX.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the salaries allowed, or to be allowed to the judges of the supreme court shall from time to time be paid to them by the treasurer of this state on their own orders by equal quarterly payments.

[Section X.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That so much of the said recited act to which this is a supplement as is herein altered or amended, is hereby declared to be repealed and of no further force or effect.

Passed March 29, 1779. See the note to the Act of Assembly passed March 6, 1778, Chapter 784; and the Act of Assembly passed March 16, 1780, Chapter 895.

CHAPTER DCCCXXXIII.

AN ACT FOR THE SUPPRESSION OF VICE AND IMMORALITY.

(Section I, P. L.) Whereas sufficient provision hath not hitherto been made by law for the due observation of the Lord's day, commonly called Sunday, and the preventing of profane swearing, cursing, drunkenness, cock fighting, bullet playing, horse racing, shooting matches and the playing or gaming for money or other valuable things, fighting of duels and such evil practices which tend greatly to debauch the minds and corrupt the morals of the subjects of this commonwealth:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That if any person shall do any kind of work of his or her ordinary calling or follow or do any worldly employment or business whatsoever on the Lord's day commonly called Sunday (works of necessity and mercy only excepted) or shall use or practice any game, play, sport or diversion whatsoever on the said day and be convicted thereof before any justice of the peace each and every person so offending shall for every such offense be fined the sum of three pounds to be levied by distress and sale of the offender's goods and chattels by warrant under the hand and seal of the said justice; or in case the offender shall have none, he or she shall be committed to the common gaol or workhouse of the county there to remain without bail or mainprise for the term of ten days.

(Section III, P. L.) Provided always, That nothing in this act contained shall be construed to prohibit the dressing of victuals in private families, bake houses or houses of [public] entertainment, or to watermen landing their passengers on the Lord's day, commonly called Sunday, nor to the selling of milk before nine of the clock in the morning, or after five in the afternoon of the said day.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person of the age of sixteen years or upwards within this commonwealth shall profanely swear or curse by the name of God, Christ, Jesus, or the Holy Ghost, in the hearing of any justice of the peace of any county, or of the burgess or other head officer or justice of the peace of any city, borough or town corporate where such offense is or shall be committed or shall be legally convicted by the testimony of one witness or by the confession of the party offending, before any justice of the peace of the county, or burgess or other chief officer or justice of the peace of such city, borough or town corporate where the said offense shall be committed that then for every such offense, the party so offending, shall forfeit and pay the sum of ten shillings or suffer imprisonment in the gaol or house of correction at hard labor for any time not exceeding five days.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That whosoever shall swear by any other name or thing in the hearing of any justice of the peace, or is legally convicted thereof by the testimony of one witness, or by the confession of the offender, shall for every such offense forfeit and pay the sum of five shillings or suffer imprisonment for any term not exceeding two days in the gaol or the house of correction at hard labor.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That any person or persons intoxicating or abusing him or herself with excessive drinking being convicted thereof by one or more credible witness before any one justice of the peace shall for every such offense forfeit and pay the sum of ten shillings, or suffer imprisonment for any term not exceeding five days in the gaol or house of correction at hard labor.

(Section VII, P. L.) Provided also, That no person shall be prosecuted or molested for any offense before mentioned in this act unless within ten days after the offense committed.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall promote or encourage any match or matches of cock fighting

or bullet playing or appear in any public or private place with a cock or cocks prepared to fight for any bet or prize or in like manner assembled to play at bullets for any bet or prize, or shall enter, start or run any horse, mare or gelding for any bet or prize, or shall promote or be concerned in any shooting match for any plate, prize, sum of money, or other thing of value whatsoever, or shall make, print, publish or proclaim any advertisement or notice of any plate, prize, sum of money, or other thing of value for the use of cock fighting, bullet playing, horse racing or to be shot for by any person or persons whosoever, he, she or they upon conviction thereof by indictment in any court of quarter sessions of the peace and gaol delivery to be held for the city or county where the offense is or shall be committed shall forfeit and pay the sum of five hundred pounds.

(Section IX, P. L.) And whereas cock fighting, bullet playing, horse races and shooting matches are frequently held, and the gaming or playing for money or other things is frequently practiced and carried on at, in, or near taverns or public houses:

[Section VI.] (Section X, P. L.) Be it therefore enacted by the authority aforesaid, That if any public housekeeper or other retailer of strong liquors shall promote or encourage any horse race, cock fight, bullet match, shooting match, or other such idle sport, or shall sell any wine, rum, whiskey, beer, cider, or other strong liquors whatsoever to any person or persons assembled or met for the purpose of attending any horse race, cock fight, bullet match, shooting match or other idle sport, or shall permit or suffer any kind of playing or gaming for money or other valuable thing either at cards, dice, billiards, bowls, shuffleboard, or in any other manner whatsoever to be used, practiced, or carried on within his or her house, or in any place in his or her occupancy, every such public house-keeper or retailer of strong liquors shall for every such offense whereof he or she shall be legally convicted upon indictment in any court of quarter sessions of the peace and gaol delivery forfeit and pay the sum of twenty pounds; and his or her license from and after such conviction shall be, and is hereby declared to be absolutely null and void.

[Section VII.] (Section XI, P. L.) And be it further enacted

by the authority aforesaid, That if any person or persons shall lose any money or other valuable thing at or upon any cock match, bullet match, horse race or shooting match, or at or upon any play, pastime or game whatsoever the person or persons who loseth or who shall lose the said money or other valuable thing shall not be bound or compelled to pay or make good the same, but every contract, note, bill, bond, judgment, mortgage or other security or conveyance whatsoever given, granted, drawn or entered into for security or satisfaction of or for the same or any part thereof shall be utterly void and of none effect.

[Section VIII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall lose any money or other thing of value at or upon any cock fight, bullet match, horse race, shooting match, or at or upon any play, pastime or game whatsoever, and shall pay or deliver the same or any part thereof the person or persons so losing and paying or delivering the same shall be at liberty within three months then next to sue for and recover the money or goods so lost and paid or delivered, or any part thereof from the respective winner or winners thereof with costs of suit by action of debt founded on this act to be prosecuted in any court of record, or where the value is under five pounds, before any justice of the peace within this commonwealth; in which actions or suits no essoin, protection, wager of law, or more than one imparlance shall be allowed; in which actions it shall be sufficient for the plaintiff to allege that the defendant or defendants are indebted to the plaintiff, or received to the plaintiff's use the money so lost or paid, or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him according to the form of this act without setting forth the special matter.

[Section IX.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if any person within this commonwealth shall challenge the person of another to fight at sword, pistol, rapier or other dangerous weapon, such person so challenging shall forfeit and pay for every such offense (being lawfully convicted by the testimony of one or more credible witnesses or by the confession of the party offending) the sum of five hundred pounds or suffer twelve months' imprisonment

without bail or mainprise, and the person accepting such challenge shall in like manner forfeit and pay the like sum of five hundred pounds or suffer the like imprisonment, and moreover the said challenger and challenged (when he accepts) shall be disabled ever after from holding any office of profit or honor within this state. And if any person or persons shall willingly and knowingly carry and deliver any written challenge, or verbally deliver any message, meant as a challenge and shall thereof be legally convicted as above, he or they so offending, shall for every such offense forfeit and pay the sum of five hundred pounds or suffer twelve months imprisonment and be disabled as in the case of giving or receiving challenges.

[Section X.] (Section XIV, P. L.) And be it further enacted by the [authority] aforesaid, That every person and persons whatsoever, that shall from and after the publication of this act, erect, build or cause to be erected or built any play house, theatre, stage or scaffold for acting showing or exhibiting any tragedy, comedy or tragi-comedy, farce, interlude or other play or any part of a play whatsoever or that shall act, show or exhibit them or any of them or be in any wise concerned therein, or in selling any tickets for that purpose in any city, town or place in this commonwealth and be thereof legally convicted in any court of quarter sessions in this commonwealth shall forfeit and pay the sum of five hundred pounds.

[Section XI.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the fines accruing or becoming due for any offenses against this act shall be paid, the one-half thereof to the overseers of the poor for the use of the poor of the city, borough, township or district where such offense shall be committed, and the other half to the person or persons who shall prosecute the offender or offenders against this act to conviction.

(Section XVI, P. L.) Provided always, That no person shall be indicted, prosecuted or molested for any offense or offenses against this act unless such indictment or prosecution be commenced within three months after the offense or offenses committed.

[Section XII.] (Section XVII, P. L.) And be it further enacted

by the authority aforesaid, That so much of an act of assembly, entitled "An act to restrain people from labor on the first day of the week,"¹ and of one other act of assembly, entitled "An act for the more effectual preventing accidents that may happen by fire and for suppressing idleness, drunkenness and other debaucheries;"² and of one other act of assembly, entitled "An act for the more effectual suppressing profane cursing and swearing;"³ and one other act of assembly, entitled "An act to prevent all duelling and fighting of duels within this province and territories,"⁴ as is altered or supplied by, or is repugnant to the provisions of this act shall be and is hereby repealed and declared to be null and void to all intents and purposes whatsoever.

Passed March 30, 1779. See the note to the Act of Assembly passed May 31, 1718, Chapter 236; and the Act of Assembly passed March 8, 1780, Chapter 888. The act in the text was repealed by the Act of Assembly passed September 25, 1786, Chapter 1248.

CHAPTER DCCCXXXIV.

AN ACT FOR INCORPORATING THE SCOTS PRESBYTERIAN CHURCH IN THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas the minister, elders and deacons of the Scots Presbyterian church in Spruce street near Third street, in the city of Philadelphia, by their petition have prayed, That their said church may be incorporated and by law enabled as a body corporate and politic, to receive and hold such charitable donations and bequests as may from time to time be made to their society and vested with such powers and privileges as are enjoyed by the other religious societies who are incorporated in the said city:

(Section II, P. L.) And whereas it is just and right and also

¹ Passed January 12, 1705-6, Chapter 119.

² Passed February 9, 1750-1, Chapter 388.

³ Passed March 7, 1745-6, Chapter 369.

⁴ Passed November 27, 1700, Chapter 45.

agreeable to the true spirit of the constitution that the prayer of their said petition be granted:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That George Kennedy, Peter January, John Purdon, Robert Aitken, William Richards, Frazer Kinsley, John Davison, James Conchy and the reverend William Marshall, pastor of the church aforesaid and their successors duly elected and appointed in such manner and form as herein after is directed, be and they are hereby made and constituted a corporation and body politic in law and in fact to have continuance forever by the name, style and title of the Trustees of the Scots Presbyterian church of the city of Philadelphia.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name, style and title aforesaid shall forever hereafter be person[s] able and capable in law as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed to the said Scots Presbyterian church in Spruce street near Third street in the city aforesaid, or to the religious congregation worshipping therein now under the pastoral charge and care of the said reverend William Marshall, or to any other person or persons to their use, or in trust for them, and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments are hereby vested and established in the said corporation and their successors forever according to their original use and intention. And the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises or other conveyances thereof is or are declared limited or expressed as also that the said corporation and their successors aforesaid at all times hereafter shall be capable and

able to purchase, have, receive, take, hold and enjoy in fee simple or of any other lessor estate or estates any lands, tenements, rents, annuities, liberties, franchises, and other hereditaments by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic or corporate capable and able to make the same, and further that the said corporation may take and receive any sum or sums of money and any manner or portion of goods and chattels that shall be given [or] bequeathed to them by any person or persons, bodies politic or corporate capable to make a gift or bequest thereof; such money, goods and chattels to be laid out by them in a purchase or purchases of lands, tenements, messuages, houses, rents, annuities or hereditaments to them and their successors forever, or the moneys lent on interest or otherwise disposed of according to the intention of the donors.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the rents, profits and interest of the said real and personal estate of the said church and corporation shall by the said trustees and their successors from time to time be applied for the maintenance and support of the pastor or pastors of the said church for salaries to their clerk and sexton, in the maintenance and support of a school and in repairing and maintaining their lot and house of public worship, burial ground, parsonage house or houses, school house or houses and other tenements which now do or hereafter shall belong to the said church and corporation.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if hereafter the building for public worship or any other tenement belonging to the said church and corporation shall be burnt, endamaged or otherwise rendered unfit for use or if hereafter the said house of public worship shall appear to be too small to accommodate the congregation whereby it shall become necessary to rebuild or repair the same that then and in such case it may be lawful for the said corporation and their successors to make sale or otherwise dispose of any part or parcel of the said real or personal estate other than the site of the house of public worship, burial ground or burial

grounds, parsonage house or houses, school house or houses for the purposes aforesaid and not otherwise.

[Section V.] (Section VII, P. L.) Provided always, and be it further enacted by the authority aforesaid, That in the disposal and application of the public moneys of the said corporation or in the making [sale] or disposition of any part or parcel of the real or personal estate of the said corporation for any of the purposes aforesaid the consent and concurrence of the major part of the regular members of the said church qualified as herein after directed shall be had and obtained and the votes herein after directed to be taken shall be by ballot and also that the said trustees in like manner qualified shall be admitted to vote therein as members of the said church.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors shall not by deed, fine or recovery or by any other ways and means grant, alien or otherwise dispose of any manors, messuages, lands, tenements or hereditaments in them or their successors vested or hereafter to be vested nor charge nor encumber the same to any person or persons whatsoever except as hereinbefore is excepted.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors or the majority of any five of them met from time to time after public intimation given the preceding Lord's day, commonly called Sunday, from the desk or pulpit of the said church immediately after divine service before the congregation are dismissed, or after regular notice in writing left at the house of each trustee and the particular business having been mentioned at least one meeting before be authorized and empowered and they are hereby authorized and empowered to make rules, by-laws and ordinances and to do everything needful for the good government and support of the secular affairs of the said church.

(Section X, P. L.) Provided always, That the said by-laws, rules and ordinances or any of them be not repugnant to the laws of this commonwealth and that all their proceedings be fairly and regularly entered in a church book to be kept for that

purpose and also that the said trustees and their successors by plurality of votes of any five or more of them meet as aforesaid after such intimation or notice as aforesaid be authorized and empowered, and they are hereby authorized and empowered to elect and appoint from among themselves a president and also to elect and appoint from among themselves or others a treasurer and secretary and the same president, treasurer and secretary or any of them at their pleasure to remove, change, alter or continue as to them or a majority of any five of them so met as aforesaid, from time to time shall seem to be most for the benefit of the said church and corporation.

[Section VIII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors shall have full power and authority to make, have and use one common seal with such device and inscription as they shall think proper and the same to break, alter and renew at their pleasure.

[Section IX.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name of the trustees of the Scots Presbyterian church in the city of Philadelphia shall be able and capable in law to sue or be sued, plead and be impleaded in any court or courts before any judge or judges, justice or justices in all and all manner of suits, complaints, pleas, causes, matters and demands of whatsoever kind, nature or form they may be and all and every matter and thing therein to do in as full and effectual a manner as any other person or persons, bodies politic or corporate within this commonwealth may or can do.

[Section X.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall always consist of nine members called and known by the name of the trustees of the Scots Presbyterian church in the city of Philadelphia and the said members shall at all times hereafter be chosen by way of ballot by a majority of such members met together of the said church or congregation as shall have been enrolled in the aforesaid book as stated worshippers with the said church for not less than the space of one year and shall have paid one year's pew rent or other annual sum of money not less

than ten shillings for the support of the pastor or pastors and other officers of the said church their lot and house of public worship and other lots and tenements belonging to the said church and corporation and towards the other necessary expenses of the said church and shall not at the time of voting be more than one half year behind or in arrears for the same.

(Section XIV, P. L.) Provided always, That the pastor or pastors of the said church for the time being shall be entitled to vote equally with any member of the said church or congregation.

(Section XV, P. L.) And provided also, That all and every person or persons qualified as aforesaid to vote and elect shall and may be capable and able to be elected a trustee aforesaid except in case of the said church having two pastors one of them only to be eligible at the same time.

[Section XI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the said George Kennedy, Peter January, John Purdon, Robert Aitken, William Richards, Frazer Kinsley, John Davison, James Conchy, and the reverend William Marshall the first and present trustees hereby incorporated shall be and continue trustees aforesaid until they shall be removed in manner following, That is to say, one-third part in number of the trustees aforesaid being the third part herein first named and appointed shall cease and discontinue and their appointment determine on the Monday next after the first Lord's day commonly called Sunday in May, which will be in the year of our Lord one thousand seven hundred and eighty upon which day a new election shall be had and held of so many others in their stead and place by a majority of the persons met and qualified agreeably to the purport, true intent and meaning of this act to vote and elect as aforesaid and on the Monday next after the first Lord's day, commonly called Sunday in May in the year following the second third part in number of the trustees herein named shall in like manner cease and discontinue and their appointment determine, and a new election be had and held of so many in their place and stead in like manner, and on the Monday next after the first Lord's day commonly called Sunday in May in the year then next following the last third part in num-

ber of the said trustees shall in like manner cease and discontinue and their appointment determine and a new election be had and held in like manner as herein before is directed and that in the same manner and by the like mode of rotation one third part in number of the said trustees shall cease, discontinue and their appointment determine and a new election of the said third part be had and held in manner aforesaid on the Monday next after the first Lord's day commonly called Sunday in the month of May in every year forever so that no person or persons be or continue a trustee or trustees of the said church for any longer time than three years together without being re-elected.

(Section XVII, P. L.) Provided always, That the persons belonging to the said church who are in and by this act authorized and empowered to elect, shall and may be at liberty to re-elect any one or more of the trustees whose times shall have expired on the day of the said annual election whenever and so often as they shall think fit.

(Section XVIII, P. L.) Provided also, That whenever any vacancy shall happen by the death, refusal to serve or removal of any one or more of the trustees aforesaid pursuant to the directions of this act, an election shall be had of some fit person or persons in his or their place and stead so dying, refusing or removing as soon as conveniently can be done and that the person or persons so elected shall be, remain and continue as a trustee or trustees aforesaid so long without a new election as the person or persons in whose place and stead he or they shall have been so elected as aforesaid would or might have remained and continued and no longer. And that in all cases of a vacancy happening by the means in this act last-mentioned the remaining trustees shall be empowered to call a meeting of the electors for supplying the said vacancy, such meeting to be notified and published in like manner as herein before is directed and appointed for notifying and publishing the meeting of the trustees.

[Section XII.] (Section XIX, P. L.) Provided always, and it is hereby enacted by the authority aforesaid, That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities or other hereditaments and real estate of the said corporation shall not exceed the sum of one thousand

pounds lawful money of the state of Pennsylvania to be taken and esteemed exclusive of the moneys arising from the letting of the pews and the contributions belonging to the said church and also exclusive of the moneys arising from the opening the ground for burials, which said money shall be received by the said trustees and disposed of by them in the manner herein before described pursuant to the vote or votes of the members of the said church duly qualified to vote and elect as aforesaid.

Passed March 31, 1779. See the Act of Assembly passed September 6, 1786, Chapter 1235.

On the original roll of this act the dates of passage and record are not given.

CHAPTER DCCCXXXV.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR SETTTLING THE ACCOUNTS OF THE LATE COMMITTEE AND COUNCIL OF SAFETY."¹

(Section I, P. L.) Whereas it is of the utmost importance that the public accounts be settled with all possible expedition:

(Section II, P. L.) And whereas from the representation of the auditors appointed by the said supplement for that purpose to this house it appears necessary to extend the powers of the said auditors so as to give them authority to settle the accounts of the navy board and board of war of this state, and such other accounts as may be intimately connected with them:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said auditors be and they hereby are nominated and appointed auditors for the purpose of settling the accounts of the state, navy board and board of war, and such other accounts as may be intimately connected with them; and they are hereby invested with the same power and

¹ Passed September 2, 1778, Chapter 806.

authority for the settlement of those accounts as are given to them by the said acts for settling and adjusting the accounts of the late committee and council of safety of this state.

(Section IV, P. L.) And whereas several persons who stand accountable for large sums of money received by order of the committee and council of safety of this state cannot support many of their charges by regular vouchers (although from the character of the parties and other attendant circumstances there is no reason to doubt of the justness of them) by which failure it is apprehended many honest men may be greatly injured in their estate if regular vouchers should be in all cases required:

[Section II.] (Section V, P. L.) It is enacted by the authority aforesaid, That under such circumstances the said auditors or either of them be, and they are hereby empowered to administer the oath, or affirmation of the party exhibiting such charges and to admit the same as proof; to exonerate such accountants of such sums as to the said auditors shall appear to have been justly expended for the use and purpose for which the same were intended.

Passed March 31, 1779. See the note to the Act of Assembly passed September 2, 1778, Chapter 806. The act in the text was repealed by the Act of Assembly passed March 1, 1780, Chapter 832.

CHAPTER DCCCXXXVI.

AN ACT FOR REPEALING PART OF AN ACT, ENTITLED "A FURTHER SUPPLEMENT TO THE ACT, ENTITLED 'AN ACT FOR THE FURTHER SECURITY OF GOVERNMENT; AND FOR DISARMING PERSONS WHO SHALL NOT HAVE GIVEN ATTESTATIONS OF ALLEGIANCE AND FIDELITY TO THIS STATE OR SOME OTHER OF THE UNITED STATES.'" ¹

(Section I, P. L.) Whereas in and by an act entitled "A further supplement to the act, entitled 'An act for the further security of government,'" ¹ passed on the fifth day of December last, it is enacted "That every person now in office or place of trust

¹ Passed December 5, 1778, Chapter 822.

under this government shall on or before the first day of April next, and every person hereafter appointed or elected into any office of trust under this government whatsoever shall before he enters upon the execution or duties thereof take and subscribe before the said commissioners or one of them the afore-said oath or affirmation:"

(Section II, P. L.) And whereas it has been considered, that the officers of this state, who in the day of difficulty and danger accepted places of trust, and thereby exposed themselves in a particular manner to the resentment of the King of Great Britain and that such persons and all others who gave assurances of their allegiance to this state, and adjured the King of Great Britain and his successors on or before the first day of June last according to the form of the act, entitled "An act for the further security of government,"¹ passed on the first day of April last, had thereby manifested their attachment to the community of this commonwealth in a satisfactory manner:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said recited clause is hereby repealed and declared null and void; and that no person who took and subscribed the said oath or affirmation of allegiance and abjuration as prescribed in and by the said act, entitled "An act for the further security of government," on or before the first day of June last shall be under any obligation to take and subscribe the oath prescribed in and by the said act, entitled "A further supplement to the act, entitled 'An act for the further security of government,'"² in order to qualify such person to hold or accept any office or place of trust in this government.

(Section IV, P. L.) And whereas it is very improper and dangerous that persons disaffected to the liberty and independence of this state should possess or have in their own keeping or elsewhere any fire arms, or other weapons used in war, or any gun powder:

[Section II.] (Section V, P. L.) Be it therefore enacted by the

¹ Passed April 1, 1778, Chapter 796.

² Passed December 5, 1778, Chapter 822.

authority aforesaid, That from and after the passing of this act, the lieutenant or any sub-lieutenant of the militia of any county or place within this state shall be and is hereby empowered to disarm any person or persons who shall not have taken any oath or affirmation of allegiance to this or any other state, and against whom information on oath shall be given before any justice of the peace, that such person is suspected to be disaffected to the independence of this state; and shall take from every such person any cannon, mortar, or other piece of ordinance, or any blunderbuss, wall piece, musket, fusee, carbine or pistols or other fire arms, or any hand gun; and any sword, cutlass, bayonet, pike or other warlike weapon, out of any building, house, or place belonging to such person.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That a complete list of all arms which have been or shall be taken from any person or persons by any lieutenant, sub-lieutenant, or by any other person or persons acting under his or their authority shall be made out and lodged by such lieutenant or sub-lieutenant or other person in the office of the clerk of the peace of the proper county, and the persons names from whom the same were taken which shall be open to the inspection of any person requesting the same, paying two shillings and six-pence therefor and such lieutenant or sub-lieutenant shall and is hereby declared to be accountable to this state for the said arms.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the justices of the peace within this commonwealth, and each and every of them, shall and they are hereby authorized and empowered to administer all and every of the oaths and affirmations required to be taken by the act entitled "A further supplement to the act, entitled 'An act for the further security of government,'" ¹ and to proceed in all things therein as the commissioners appointed to administer the said oaths and affirmations are by the said supplement required in the premises.

Passed March 31, 1779. See the notes to the Acts of Assembly passed April 1, 1778, Chapter 796; December 5, 1778, Chapter 822. The act in the text was repealed by the Act of Assembly passed March 13, 1789, Chapter 1396.

¹ Passed December 5, 1778, Chapter 822.

CHAPTER DCCCXXXVII.

AN ACT DECLARING REPLEVINS, ATTACHMENTS, JUDGMENTS, AND EXECUTIONS IN CERTAIN CASES TO BE ERRONEOUS AND VOID.

(Section I, P. L.) Whereas divers writs of replevin have of late been granted and issued for goods and chattels taken in execution, and for fines and penalties legally incurred and due to this commonwealth to the delay of public justice and to the great vexation of the officers concerned in taking and levying the same:

[Section I.] (Section II, P. L.) Be it enacted and declared, and it is hereby enacted and declared by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all writs of replevin granted or issued for any owner or owners of any goods or chattels levied, seized or taken in execution or by distress; or otherwise by any sheriff, naval officer, lieutenant or sub-lieutenant of the city of Philadelphia, or of any county, constable, collector of the public taxes or other officer acting in their several offices under the authority of the state, are irregular, erroneous and void: And that all such writs may and shall at any time after the service be quashed upon motion by the court to which they are returnable, the said court being ascertained of the truth of the fact by affidavit or otherwise.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the court, besides quashing the said writs may and shall award treble costs to the defendant or defendants in such writs, and also, according to their discretion, order an attachment against any prothonotary or clerk who shall make out or grant any such writ knowing the same to be for goods or chattels taken in execution, or seized as aforesaid.

(Section IV, P. L.) And whereas sundry judgments have been entered by virtue of warrants of attorney, and attachments and executions issued against persons attainted of treason, by virtue

or in pursuance of the act of general assembly, entitled "An act for the attainder of divers traitors, if they render not themselves by a certain day; and for vesting their estates in this commonwealth, and for more effectually discovering the same; and for ascertaining and satisfying the lawful debts and claims thereupon,"¹ notwithstanding a summary, speedy and ample remedy is by the said act provided for the bona fide creditors of such traitors, to the great waste of the estates, accumulation of suits and unnecessary costs, and to the preventing a proper inquiry into the justice of the claims and demands of such suitors.

[Section III.] (Section V, P. L.) Be it enacted by the authority aforesaid, That every judgment entered by virtue of any warrant of attorney, and attachment or execution issued against any person attainted of treason by the act of assembly aforesaid, or after the date of the proclamation of the supreme executive council of this state against such traitor, or which shall hereafter be so entered or issued, are hereby declared to be void and of no effect; and that no claims or demands of any creditor or other person whomsoever against any such traitors may or shall be heard, allowed or determined in any other manner than according to the directions of the act of assembly aforesaid, and the supplement thereto passed this present session of assembly.

Passed April 3, 1779.

CHAPTER DCCCXXXVIII.

AN ACT TO COMPEL CERTAIN PERSONS ENTRUSTED WITH PUBLIC MONEY BY OR FOR THE USE OF THIS COMMONWEALTH TO ACCOUNT FOR THE EXPENDITURE OF THE SAME, AND TO PAY SUCH PARTS THEREOF AS THEY SHALL BE CHARGEABLE WITH INTO THE STATE TREASURY.

(Section I, P. L.) Whereas in and by an ordinance of the council of safety of this commonwealth dated at Lancaster the twenty-first day of October one thousand seven hundred and seventy-

¹ Passed March 6, 1778, Chapter 784.

seven, it is ordained, resolved and declared, That all and every the personal estate and effects whatsoever of such of the inhabitants of this commonwealth as have or hereafter shall abandon their families or habitations and join the army of the King of Great Britain and of all such as shall resort to any city, town or place within this commonwealth in possession of the troops or armies of the said King of Great Britain, carrying to them provisions, or that shall otherwise afford to them such provisions or intelligence or other aid, shall be seized upon and safely kept by the commissioners in the said ordinance appointed for the use and purpose in the said ordinance declared, That is to say, That the said commissioners for the respective counties or any or either of them shall and may with all convenient speed after the publication of the said ordinance seize upon and take into his or their custody and make a true and perfect inventory of all the personal estate and effects of every such offender and dispose of all the perishable part thereof and at his or their discretion convey away and remove to places of safety, sell or otherwise dispose of where it may be necessary all such goods and effects of the said offenders as they shall apprehend to be in danger of falling into the hands of the enemy; and the said commissioners were by the said ordinance required to retain and keep safely subject to the future disposition of the legislature of this commonwealth, keeping true accounts of their proceedings, and receiving for their trouble over and above their costs and charges at the rate of five per centum. And the said commissioners were by the said ordinance directed and enjoined with all convenient speed after making such inventory and sale or sales as aforesaid to deliver on oath to the treasurer a true copy of such inventory or account of sales:

(Section II, P. L.) And whereas it is just and reasonable that the property of such inhabitants of this state as have by so joining the unnatural enemies of these United States contributed all that in them lay to destroy the liberty, safety and independence thereof should be confiscated, appropriated and applied for and towards defraying the expenses incurred in carrying on the just and necessary war in which the said states are engaged for the preservation of all that is dear to freemen.

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That each and every of the said commissioners shall with all convenient speed pay into the hands of the treasurer of the proper county where such commissioner shall reside to be by him paid to the treasurer of this state all and singular the moneys which they or either of them have or has received by the sale of such personal estate and effects after deducting out of the said moneys over and above their costs and charges (to be liquidated and ascertained in manner herein after mentioned) at the rate of five per centum as aforesaid.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all such personal estate and effects as the said commissioners or either of them have or has seized upon and taken into his or their custody as aforesaid and which remain unsold shall be sold by public auction as soon as may be, and the moneys arising from each and every of the said sales shall be by the commissioner or commissioners making the said sales paid into the treasury of this state as aforesaid. And to prevent frauds or any unfair proceedings in making the said sales the commissioners who shall make the same shall and they are hereby required and enjoined to cause at least ten days public notice thereof to be given by written or printed advertisements to be by them put up in at least six of the most public places in the township, ward or district where such sale shall be held specifying therein the time and place of the said sale, the personal estate and effects to be sold and to whom the same belonged:

(Section V, P. L.) And whereas several of the lieutenants and sub-lieutenants within this commonwealth have notwithstanding the resolves of the assembly for that purpose passed, neglected or refused to settle their accounts or to pay the public money remaining in their hands or with which they are chargeable into the state treasury:

(Section VI, P. L.) And whereas public justice and a due regard to economy require that all officers entrusted or chargeable

with public money by or for this commonwealth should faithfully apply the same for the purposes for which it was intended and should duly account for the expenditure thereof from time to time without fraud or delay and pay all and every sum or sums which is, are or shall be payable into the treasury of this commonwealth as soon as may be.

[Section III.] (Section VII, P. L.) Be it therefore enacted by the authority aforesaid, That each and every the lieutenants and sub-lieutenants shall and they are hereby enjoined and required within [three] months after the publication of this act to pay all and singular the moneys which [they or either of them have received as fines imposed on such as have refused or neglected to perform their tour of militia duty and also all and singular the moneys which] they or either of them is or are chargeable with, and which by the laws of this state are directed to be paid by them into the treasury of this commonwealth in manner aforesaid after deducting thereout the fees allowed to them respectively by the laws of this state.

(Section VIII, P. L.) And to the end that the said commissioners, lieutenants and sub-lieutenants may duly account for and pay the said moneys, and that such of them as reside at a distance from the legislature and state treasury may settle the said accounts and pay such moneys as they shall be chargeable with, within each respective county and not be put to the charge or inconvenience of attending at a distance for those purposes:

[Section IV.] (Section IX, P. L.) Be it enacted by the authority aforesaid, That the said commissioners, lieutenants and sub-lieutenants and every of them shall, and they are hereby enjoined and required to produce their respective accounts to the commissioners herein after appointed or any two of them in the city or county in which such commissioner, lieutenant or sub-lieutenant resides, at such times and places as they the said commissioners shall appoint; and the said commissioners shall and they are hereby empowered, enjoined and required to liquidate, audit, adjust and settle the said accounts and every of them, and shall certify under their hands and seals or under the hands and seals of any two of them in the city of Philadel-

phia and each county the sum that shall appear due, if any, by each and every of the said commissioner, lieutenant or sub-lieutenant and shall deliver or cause to be delivered the said certificate to the treasurer of the respective counties, and moreover shall keep fair copies of each of the said accounts which shall be open to be inspected gratis by every person who may require the same.

[Section V.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if any of the said commissioners shall neglect or refuse to produce their accounts as aforesaid with proper vouchers to enable the said commissioners to audit and settle the same within three months from and after the publication of this act, or shall produce false or fraudulent accounts, or having settled the said accounts shall neglect or refuse to pay all and singular the moneys with which they shall be chargeable by the said settlement within ten days after the same has been liquidated as aforesaid, or shall neglect or refuse to sell as aforesaid any of the said personal estate or effects by them seized as aforesaid, or shall neglect or refuse to make out and deliver on oath a true copy of such inventory or account of sales as aforesaid within three months after the publication of this act every of the said commissioners so neglecting or refusing shall for every such neglect or refusal forfeit and pay double the sum and sums or value of such personal estate and effects which shall appear by the said settlement or by other sufficient evidence to be due to this state by such commissioner as aforesaid, or which he or they shall neglect or refuse to sell as aforesaid.

[Section VI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if any of the said lieutenants or sub-lieutenants (who have not already settled his or their accounts before the committee of accounts appointed by the general assembly) shall neglect or refuse to produce and settle his or their accounts before the said commissioners of the proper city and county as aforesaid within three months from and after the publication of this act, and from thence once in every six months from time to time, or shall produce false or fraudulent accounts, or having settled the same in manner aforesaid shall

refuse or neglect to pay all and singular the moneys with which he or they shall be chargeable by the settlement aforesaid to the treasurer of the proper county within ten days after the said settlement is made every lieutenant or sub-lieutenant so refusing or neglecting to pay as aforesaid shall for every such neglect or refusal forfeit and pay double the sum or sums which he or they shall so neglect to account for, settle or pay.

And to the end that the said accounts may be justly and fairly settled and to prevent frauds or concealments in settling the same:

[Section VII.] (Section XII, P. L.) Be it enacted by the authority aforesaid, That the said accounts shall contain on the debtor side thereof a just and true state of all and singular the services done or performed by the accountant on the duties of his said office and for which he shall make a charge mentioning the time he was employed therein on oath or affirmation where he has no other proper vouchers for the same, and receipts for all moneys paid by him. And on the credit side thereof shall contain true and complete lists of all fines, forfeitures and penalties which have been paid to him, by whom paid and for what. And if it shall appear that any person who has neglected to perform the tour of militia duty has been fined less for such refusal than the sum mentioned in the supplement to the act for regulating the militia of this commonwealth the lieutenant or sub-lieutenant who charges himself with such smaller fine shall produce the judgment of the court of appeal or give such other proof or reasons as shall be satisfactory to the said commissioners in order to discharge himself of the deficiency.

[Section VIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all the said fines and forfeitures which shall be incurred by any of the said officers for neglecting or refusing to perform any of the duties aforesaid shall and may be sued for and recovered by action of debt, on the case or account render which the treasurer of the respective city or county where such delinquent dwells, is hereby empowered, required and enjoined to bring in the name of the commonwealth of Pennsylvania from time to time and as often as the case may require, and one moiety thereof shall be paid to the treasurer,

to whom the said moneys ought to have been paid for the use of this state, and the other half thereof to the said treasurer for the use of the county where the delinquent resides.

[Section IX.] (Section XIV, P. L.) Provided always and be it further enacted by the authority aforesaid, That the said lieutenants and sub-lieutenants shall only receive pay for the number of days which they have been or shall actually be employed in performing the duties of their said office and for no greater or other number of days or for any longer time, which said time shall be ascertained by them respectively as aforesaid.

[Section X.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That each and every of the said county treasurers shall once in every three months pay into the state treasury all and singular the moneys which they shall receive by virtue of this act after deducting out of the same their lawful fees which shall be at the same rate as their fees for receiving and paying the state taxes.

[Section XI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That this act shall extend to all and every of the lieutenants and sub-lieutenants who have heretofore been in those offices within this commonwealth although they may not be in office at the time of the publication of this act.

[Section XII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That John Maxwell Nesbitt, John Nixon and Benjamin Fuller for the city of Philadelphia, Benjamin McVaugh [Robert Curry] and Jacob Laughlin for the county of Philadelphia, James Benezet, John Chapman and Thomas Long, for the county of Bucks, Percifer Frazer, John Beaton and Caleb Davis for the county of Chester, John Hubley, John Marshall and James Anderson, Junior, for the county of Lancaster, Archibald McClean, Robert McPherson and Joseph Donaldson for the county of York, William Lyon, John Agnew and John Creigh for the county of Cumberland, Adam Whitman, Henry Christ and Nicholas Luits for the county of Berks, Robert Levers, Benjamin Dupuy and Nicholas Dupuy for the county of Northampton, David Espy, Samuel Davidson and Thomas Burd for the county of Bedford, Thomond Ball, Paul

Geddis and William Shaw for the county of Northumberland, and John Moore, Joseph McGarrah and John Nesbitt for the county of Westmoreland, be and they are hereby appointed commissioners for the city and the several counties in this state to do and perform all and singular the services required of them by this act; and the said commissioners shall each of them take and receive three pounds per day for every day that they shall be so employed; and the several county treasurers are hereby authorized to pay the wages aforesaid out of the money taking their receipts therefor, which receipts shall discharge the several treasurers for such sums as shall be paid to the said commissioners.

[Section XIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That each and every of the said commissioners who are by this act appointed to settle the aforesaid accounts shall before he enters upon the execution of the said office take the following oath or affirmation before some justice of the peace of the proper county who is hereby empowered to administer the same, viz.:

"I, A. B., do swear (or affirm) that I will well and truly audit, adjust, liquidate and settle all and every of the accounts which shall be produced to me by virtue of this act, and that I will to the best of my knowledge do equal justice as well as to the said accountants and the state of Pennsylvania as to the citizens thereof."

Passed April 2, 1779. Repealed by the Act of Assembly passed March 1, 1780, Chapter 882.

CHAPTER DCCCXXXIX.

AN ACT FOR THE BETTER RELIEF OF THE POOR OF THE CITY OF PHILADELPHIA, THE DISTRICT OF SOUTHWARK AND THE TOWNSHIPS OF MOYAMENSING, PASSYUNK AND THE NORTHERN LIBERTIES IN THE COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas the circumstances of the city of Philadelphia in the month of May last under the power of the

enemy, hindered the due and lawful election of managers and treasurer of the corporation of the contributors to the relief and employment of the poor of the city of Philadelphia; whereby the support and direction of the poor of the said city, the district of Southwark and the townships of Passyunk, Moyamensing and the Northern Liberties, united and collected in one almshouse within the said city is interrupted and obstructed:

(Section II, P. L.) And whereas the rate or assessment directed by the act of assembly, entitled "An act for the relief of the poor,"¹ passed on the twenty-ninth of March one thousand seven hundred and seventy-one, not exceeding three pence in the pound on all estates real and personal, and of six shillings per head on every freeman not otherwise rated for his estate within said city, district and townships respectively is found to be very inadequate to the support of the poor in the said almshouse, and the poor thereto belonging, and the frequent repetition thereof would be very inconvenient to the overseers of the poor and very troublesome to the inhabitants:

For remedy whereof:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted, by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That [Joseph Blewer, Philip Boehm, Thomas Cuthbert, Jacob Graff, John Mease, John Nixon, William Rush, Daniel Roberdeau, William Henry, John Shee, Christopher Ludwick and James Wharton] shall be and hereby are appointed and constituted managers and [Francis Hopkinson], treasurer of said almshouse, to have, hold, exercise and enjoy all and singular the powers, authorities and direction and employment of the poor of said city, district and townships as fully as any managers legally chosen by the said contributors to the relief and employment of the poor in the city of Philadelphia might, could or have heretofore held, exercised or enjoyed the same; the managers hereby appointed to continue in office until the contributors to the relief and employment of the said poor who are legally qualified by taking and subscribing the

¹ Passed March 29, 1771, Chapter 635.

oath or affirmation of allegiance to the state shall under the act of their incorporation elect officers as aforesaid.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for two of the judges of the city court, and two of the justices of the peace for the county of Philadelphia upon the complaint of the managers of the said almshouse that a sum of money is wanted, or likely so to be for the support and employment of the poor in the said almshouse, to issue their warrants under their hands and seals, directed to the overseers of the poor of the said city, district and townships, requiring them to forthwith levy, collect and raise, by an equal assessment upon the clear yearly value as they shall reasonably estimate the same of all real and personal estates within the said city, district and townships respectively a rate or tax not exceeding one shilling and sixpence in the pound upon all taxables and thirty-six shillings per head on every freeman not otherwise rated in such tax for the relief of the poor, and the said rate shall be repeated as often as the said judges, justices and managers shall find the same necessary.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said recited act for the relief of the poor passed the twenty-ninth of March one thousand seven hundred and seventy-one, except so much as is herein before altered and repealed shall continue be and remain and is hereby declared to be in full force and effect.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said recited act, with this supplement thereto shall continue in force for the space of five years, and from thence to the end of the next sitting of the assembly and no longer.

Passed April 2, 1779. See the note to the Act of Assembly passed March 9, 1777, Chapter 635. The act in the text was repealed by the Act of Assembly passed March 25, 1782, Chapter 962.

CHAPTER DCCCXL.

AN ACT TO RAISE THE SUPPLIES FOR THE YEAR ONE THOUSAND
SEVEN HUNDRED AND SEVENTY-NINE.

(Section I, P. L.) Whereas it is indispensably necessary that a tax be forthwith laid on all estates real and personal within this state as well to defray the expenses of the government thereof, as to raise the sum of one million and nine hundred thousand dollars recommended by the honorable the Congress as the quota or share of this state of the fifteen millions of dollars, to be raised by taxes the current year within the United States of America:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the sum of four millions of dollars shall be raised, levied and paid within the current year, and shall be assessed and taxed in the city of Philadelphia, and the several counties of this state, according to the proportions in manner following, That is to say: For the city and county of Philadelphia, four hundred and ninety-seven thousand five hundred and ninety-six pounds sixteen shillings and seven pence: For the county of Bucks ninety-eight thousand four hundred and nineteen pounds eighteen shillings and three pence: For the county of Chester one hundred and fifty-seven thousand nine hundred and eighty-seven pounds seventeen shillings and three pence: For the county of Lancaster two hundred and thirteen thousand eight hundred and nineteen pounds twelve shillings and ten pence: For the county of York, one hundred and nineteen thousand one hundred and twenty-six pounds and ten pence: For the county of Cumberland one hundred and eleven thousand nine hundred and sixty-eight pounds ten shillings and three pence: For the county of Berks one hundred and seven thousand five hundred and forty pounds twelve shillings and

one penny: For the county of Northampton, sixty-one thousand nine hundred and seven pounds fourteen shillings and eight pence: For the county of Bedford thirty-three thousand nine hundred and thirty-nine pounds five shillings and three pence: For the county of Northumberland fifty-seven thousand seven hundred and twelve pounds seventeen shillings and two pence: And for the county of Westmoreland forty-one thousand nine hundred and twenty-five pounds.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners and assessors of the city and county of Philadelphia, and of the other counties within this commonwealth shall meet together on or before the eighteenth day of May next at the usual place in their respective counties, and shall then and there nominate and appoint for each township, ward and district two reputable freeholders as assistant assessors: And the said commissioners and assessors shall also then and there nominate and appoint the day or days on which the said assistant and township assessors of each township, ward [or] district shall attend with their returns of rateable property and the valuation thereof as is herein after directed, and shall cause due notice thereof to be given to the said township and assistant assessors; provided the further appointment does not exceed thirty days from the said eighteenth day of May next.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said two freeholders and township assessors shall meet together at such time as they shall appoint within the said township, ward or district and shall go to the dwelling house and place of residence of each inhabitant thereof, and shall by all lawful ways and means diligently inform themselves of the names and surnames of every person residing in their said township, ward or district and their trades, professions or occupations and put a value thereon, and of all the real and personal taxable property within the said township, ward or district; and the said assessor and freeholders respectively shall make out fair and true certificates in writing of the names and surnames of all and every the persons dwelling and residing within all and every the townships in their dis-

tricts together with an account of what tracts and parcels of lands and tenements, houses and lots and other real estates they respectively hold; also of all grist mills, saw mills, and all other mills of what kind soever, breweries, distilleries, forges, furnaces, mines, rents, ground rents and plate; the number of bound servants, negroes and mulattoes, and what merchandise, and stock of cattle and horses they possess; and the said township assessor and freeholders having obtained an account of the taxable property and estates in their several townships, wards and districts, shall proceed well, faithfully and impartially to value and appraise all such real and personal property within their respective townships, districts or wards for what the same would sell for in ready money; and having completed the said valuation they shall make out a fair exact certificate, or return in writing specifying all the said rateable property within their respective townships, districts or wards, distinguishing the several species thereof, together with the particular valuation set upon the said taxable property respectively, and also an alphabetical list of the names and surnames of all persons residing within their said townships, wards or districts, and of the owners of all the said real and personal property: And each of the said township assessors shall deliver to the commissioner of the county the said certificate or return on or before the day appointed for that purpose.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any located and surveyed unimproved lands shall be omitted in the returns to be made by virtue of this act, so that the same cannot be taxed according to the true intent and meaning of this act, all such lands so omitted shall be liable and subject to pay all such taxes in the next or any subsequent assessment which the same lands ought to have paid, had they been duly assessed, as by this act is directed.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That as soon as the commissioners shall have received the said certificates or returns of property, they shall in conjunction with the county assessors, and the proper township, ward or district assess or proceed to lay such a rate

on every hundred pounds worth and so in proportion for every greater or less sum of taxable estate and property as will be sufficient to raise the proportion or quota by this act required of the county, together with the expenses attending the laying, levying and collecting the same; and shall also fix and ascertain the quota or proportion of the sum of money charged upon such county; and of the allowance of the treasurer and commissioners and assessors for their service by this act, which each township, ward or district within the same ought to bear and pay.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any person shall wilfully conceal in the returns which he makes to the township or ward assessors any part of his taxable property within such township or ward with intent to screen the same from taxation the person so concealing shall pay fourfold taxes for all property so concealed, and the money arising thereupon over and above the taxes which such property ought to have yielded, shall be paid to the supervisors of the highways of such township or ward for and towards repairing the public roads and highways within the same, and that any of the inhabitants of such township, ward or district who shall be a competent witness in other cases, shall be a sufficient witness to prove such concealment.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the sums of money raised by virtue of this act in the city and county of Philadelphia, and the several counties of this state, shall not be deemed or held as the exact proportion of the said city and counties, but the same shall hereafter be correctly and finally adjusted and ascertained by the legislature of this commonwealth according to the returns of property to be laid by virtue of this act before the general assembly.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the township and assistant assessors shall return with their certificates herein directed, a list of the names of all [single] freemen residing or sojourning in their several townships, wards or district together with their several trades, occupations or professions, and such of the said single men not having real or personal estate for which they

pay a tax exceeding the sum which would be rated by virtue of this clause as have been out of their apprenticeship or servitude for the space of six months (except such as shall be actually engaged as enlisted soldiers or mariners in the service of the United States of America during the time of levying the same), shall be assessed by the said township and assistant assessors any sum not exceeding the sum of fifteen pounds nor less than the sum of three pounds, according to the respective circumstances of the said single freemen.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful for the township assessor when making the said return to demand security of any single freemen or sojourners within his township for the amount of the largest tax proposed for freemen or sojourners in this act mentioned, and upon his or their refusing to enter sufficient security, or paying the said tax, the said assessor is hereby authorized to take the body of the said freeman or sojourner before the nearest justice who is hereby authorized to commit him or them to the common gaol of the county there to remain for the space of one month or until he enters such security or pays the tax.

(Section XI, P. L.) And for the better discovery of personal property intended by this act to be charged:

[Section X,] (Section XII, P. L.) Be it therefore enacted by the authority aforesaid, That every householder in this state, shall, upon demand of any assessor of his township, ward or district, give an account of the names and occupations of such persons as shall sojourn or lodge in their respective houses under the penalty of thirty pounds, to be recovered and applied for the repairs of the roads of the said township or ward as aforesaid; and if any person that ought to be taxed by virtue of this act or in respect of any personal property shall by removing his or her effects from the county where they ought to have been assessed, or by any other fraud or covin, escape and not be taxed, and the same be proved before any one of the commissioners or any justice of the peace of the county where such person resides at any time within six months next ensuing after such tax be made, every such person shall be charged upon proof as afore-

said at the fourfold value of so much as he or she should or ought to have been taxed by this act.

[Section XI.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That every commissioner, assessor and collector who shall take upon himself the execution of this act, shall for and during the time they shall actually be employed in the discharge of their duty as commissioner, assessor or collector be entirely exempt and free from all military duty.

[Section XII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That in case of the death of any of the commissioners or of any of the county, township or assistant assessors, or their neglect or refusal to act in discharge of the duties required of them by this act, then, and in every such case the remaining commissioners and county assessors, or the major part of them shall appoint others to supply the place or places of such as shall so die, neglect or refuse to act from time to time as occasion may require, which commissioner or assessor so chosen shall take the oath or affirmation in the manner herein prescribed, and shall have full powers and authorities to perform all the duties enjoined by this act.

[Section XIII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That each county commissioner, and county, township, ward, district and assistant assessor shall respectively before they enter on any of the duties required of them by this act, make before some justice of the peace of the proper county, the oath or affirmation as is herein after directed, viz.: If a county commissioner the following oath or affirmation, to-wit:

“I will well and truly cause the rates and sums of money by virtue of this act imposed to be duly and equally assessed and laid according to the rules and directions mentioned in the act, entitled ‘An act to raise the supplies for the year, one thousand seven hundred and seventy-nine,’ to the best of my skill and knowledge so far as relates to the duty and office of a commissioner, and herein I will spare no person for favor or affection, or grieve any for hatred or ill will.”

If a county, township, ward, district or assistant assessor, the following oath or affirmation, to-wit:

"I, A. B., do swear, or affirm that I will faithfully, justly and impartially assess the pound rate imposed by the act, entitled 'An act to raise the supplies for the year one thousand seven hundred and seventy-nine,' according to the rate settled in that act to the best of my skill and knowledge, and that in making the valuation of property and in performing the other duties required by the said act I will spare no person for favor or affection, nor any person grieve for hatred, malice or ill will."

[Section XIV.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the county assessors shall appoint some fit person for or in every township, ward or district to be collector of the taxes to be raised by virtue of this act, and shall cause fair duplicates of the assessment of each township, ward or district to be made, one part whereof shall by the clerk of the commissioners and assessors be delivered to one of the said commissioners of the proper county, and the other part to the collector of each district with directions from the said commissioners to every such collector indorsed on his duplicate, or annexed thereunto, requiring him to demand of the parties the respective sum of money wherewith they are chargeable, and acquaint them of the day of appeal, which shall be appointed by the commissioners within thirty days after the said assessments are made; but where any of the collectors cannot meet with the party of whom demand is to be made as aforesaid, he or they shall leave notice in writing with some of the family at the place of the party's last abode, signifying also the day of appeal, at which day every of the collectors shall return their several duplicates.

[Section XV.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons find him or themselves aggrieved with any of the said assessments, he or they may appeal to the commissioners of the proper county.

[Section XVI.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners are hereby required to meet on the said day of appeal, where the said assessors shall attend, whereupon the said commissioners shall take due notice thereof and strictly examine the persons appealing upon their oath or affirmation or otherwise concern-

ing the cause of their appeal, and upon such examination or proof of others, they are hereby empowered to diminish or add to the person's rate or assessment as to them shall seem just and reasonable; with power also to call before them such persons and take notice of such estates as they find are omitted in the said assessment in order to rectify it; and if the persons so omitted refuse or neglect to appear and give an account of their taxable estate they shall pay double the sum they should or ought to have been rated at by this act. And the said commissioners shall cause their clerks to draw fair duplicates of the assessments of the said respective districts, so rectified as aforesaid, and deliver them to the collectors of the several townships, wards, or districts where they belong within ten days after the appeal with a warrant thereunto annexed under the hand and seal of two or more of the commissioners requiring them forthwith to collect and receive from the persons assessed, the several sums in the said duplicates respectively mentioned.

[Section XVII.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, that the said collectors shall once in six weeks at least, render a just and true account of, and bring in and pay unto the respective county treasurers all such sums of money as they shall [then] have received; and shall pay the whole and every of the sums of money assessed in their respective duplicates, within three months next after the said days of appeal, and the treasurers shall give receipts to the collectors for such sums of money as they shall so bring in and pay from time to time, which receipt shall be the collectors discharge for so much: And that the said treasurers shall from time to time signify in writing to the said commissioners how much every collector brings in and pays as aforesaid; and when any of the said collectors are negligent or refuse to do their duty in the premises, the treasurers are hereby required forthwith to signify the same by way of complaint to the commissioners, where such neglect or refusal shall happen.

[Section XVIII.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons so rated or assessed by virtue of this act shall refuse or neglect to pay the sum or sums [so] assessed by the space of thirty days

after demand made as aforesaid, it shall be lawful for the said collectors respectively by virtue of a special warrant for that purpose, signed and sealed by two or more of the said commissioners, who shall forthwith grant the same, and shall thereby empower the said collectors to call to their assistance, if occasion be, any constable or other person, and in case of resistance to break open in the day time any house, trunk, box, chest, closet, cupboard or other things where any such offenders goods and chattels or effects are supposed to be, and make distress and sale thereof, rendering the overplus, if any be, to the owners after reasonable charges deducted; but if no distress can be found by the collector, and the party refuses or neglects to show them goods or chattels of his own forthwith to satisfy the money then due with reasonable charges, then the collector shall take the body of every such person and bring him to the county gaol, and deliver him to the sheriff or keeper of the said gaol, who shall detain him in safe custody without bail or main-prize until payment be made.

(Section XXI, P. L.) Provided always, That where effects cannot be found sufficient to answer the whole sum in arrear with charges as aforesaid, then distress shall be made for so much as the effects extend to, and the party imprisoned only for the residue thereof with incident charges, all which charges of distress, assistance and bringing to prison shall be adjusted and settled by any two or more of the said commissioners when such occasion shall happen.

[Section XIX.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That if upon complaint of the treasurer to the commissioners it shall appear that any of the said collectors refuse or neglect to pay the said sums of money which he or they shall be respectively charged to collect, or produce receipts testifying the payments or delivery thereof as aforesaid, and deliver the money in the manner and at the time by this act required, retaining such sum as is hereby allowed for collecting and paying the same, then the commissioners of the proper county or any two of them shall fine every such delinquent collector in any sum not exceeding one thousand pounds, and appoint others to act in his or their stead:

(Section XXIII, P. L.) Provided the said commissioners give the said collector ten days' notice of such complaint being lodged by the treasurer, that the said collector may have an opportunity of making it appear that the said complaint is not well founded, or paying in such sum as may be retained in his hands.

(Section XXIV, P. L.) And moreover it shall be lawful for the said commissioners of the proper county or any two of them, and they are hereby required to meet and issue out their warrants under their hands and seals to the sheriff or coroner of the proper county requiring him to take the body and seize and secure the estate real and personal belonging to such delinquent, or which shall come into the hands or possession of his heirs, executors or administrators wherever the same can be discovered or found in this state and make return of his proceedings therein at such time and place as the commissioners shall appoint.

(Section XXV, P. L.) And that the said commissioners who shall cause the said lands and estates to be seized and secured as aforesaid shall be and are hereby empowered to appoint a time for a general meeting of the commissioners of such county, and there to cause public notice to be given where such meeting shall be appointed, ten days at least before such general meeting. And the commissioners then present at such meeting, or the major part of them, in case the money detained by such delinquent, be not then paid or satisfied, shall and are hereby empowered and required to issue forth their warrants or precepts to the sheriff or coroner of the proper county, empowering and requiring him to sell and dispose of all such estates as shall be for the cause aforesaid seized and secured, or such part thereof as will be sufficient to satisfy the deficiencies aforesaid and all charges, and to bring the money arising by such sale to the commissioners who granted such warrants, in order satisfy and pay unto the respective county treasurers for the time being the sum or sums that shall be so unpaid or detained in the hands of the said collectors or other persons, their heirs, executors or administrators respectively with damages for what shall be so unpaid, returning the overplus, if any be, to the owner, after all necessary charges deducted. And when any sale of land, tene-

ments or hereditaments shall be made by such sheriff or coroner respectively, pursuant to this act, the title and conveyance thereof shall be by deed signed, sealed and delivered by the sheriff or coroner to such person or persons as shall purchase the same in fee simple or otherwise, which shall be most absolute and available in law against the said delinquents and their heirs and assigns, and all claiming under them.

[Section XX.] (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That if the owner or owners of land and other real property by this act made subject to taxation, or some person or persons for him or them do not appear or shall neglect or refuse to pay the rates assessed thereon, by the space of forty days after the days of the appeal, then, and in every such case, the said lands or other real property, together with the rates assessed thereon shall be advertised in the township or county in which such lands do lie, or in the place where such owner or owners do dwell. And the commissioners of the respective counties shall, and they are hereby required to give public notice thereof in some of the English and German papers for at least three months that the sale will be made of such part of the said lands, as will be sufficient to discharge the taxes due for the same and all charges accruing by reason of the refusal or non-payment thereof. And if the owner or owners of such lands or other real estate or some person or persons in their behalf do not appear to discharge and pay the said taxes with all the charges as aforesaid, then the said commissioners of the respective counties are authorized and hereby empowered to sell the said lands or other real estate or so much thereof as aforesaid by public vendue to such person or persons as will appear and give most for the same, returning the overplus, if any be, to the owner or owners of such lands, or their legal representatives as aforesaid, after all necessary charges deducted; And when any sale of such land or other real estate shall be as aforesaid made by the sheriff or coroner respectively pursuant to this act, the title and conveyance thereof shall be by deed signed, sealed and delivered by the sheriff or coroner to such person or persons as shall purchase the same in fee simple, or otherwise which shall be most absolute and available in law

against the said delinquents and their heirs and assigns, and all claiming under them.

[Section XXI.] (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That if any of the present commissioners or assessors of the city and county of Philadelphia, or of any of the other counties within this state shall refuse or neglect to do and perform all, or any the duties required of him by this act, he shall be fined by the other commissioners or commissioner and assessors, or a majority of them of such county any sum, not exceeding five hundred pounds for the use of the state; and they the said two other commissioners, or the said one commissioner and assessors, or a majority of them may and shall, and they are hereby authorized, empowered and required to nominate and appoint an able and skillful freeholder, or two able and skillful freeholders as the case may require of the county where such refusal or neglect shall happen as commissioner or commissioners or county assessor or assessors for such county, for the current year. And if any of the persons appointed collectors of the tax imposed by this act, or if any person shall be appointed an assistant assessor, shall after notice of his appointment refuse or neglect to do and perform all or any the duties required of him by this act, then, and in such case, the commissioners and assessors, or a majority of them of the county where such refusal or neglect shall happen, shall fine such delinquent collector or assessor any sum not exceeding five hundred pounds for the use of the state, and appoint other collectors or assessors in the stead of such delinquents.

[Section XXII.] (Section XXVIII, P. L.) And be it further enacted by the authority aforesaid, That the county treasurers respectively shall be allowed for their trouble in receiving and paying all such monies as shall come into their hands respectively by virtue of this act, the sum of seven shillings and six pence for every hundred pounds, and the treasurer of the state shall be allowed for his trouble in receiving and paying all such monies as shall come into his hands by virtue of this act, the sum of two shillings and six pence [for every hundred pounds, and no more.]

[Section XXIII.] (Section XXIX.) And be it further enacted

by the authority aforesaid, That the treasurer of the city and county of Philadelphia, and of each of the other counties shall pay over all the monies by them severally received, deducting their own commissions or allowance, to the treasurer of the state.

[Section XXIV.] (Section XXX, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of each respective county shall at the next meeting of assembly, after the said taxes are settled and adjusted, cause to be laid before this house true and fair duplicates of all the returns of property and rates laid in each respective county, ward or district under the penalty of five hundred pounds.

[Section XXV.] (Section XXXI, P. L.) And be it further enacted by the authority aforesaid, That the county commissioners and assessors, and each of the township, ward, district and assistant assessors, shall each of them have and receive forty-five shillings per day, for each day that they shall bona fide be employed in the several duties required of them by this act; and that the several collectors employed for the due execution of this act, shall be allowed six pence in the pound for every pound by him so collected.

[Section XXXII, P. L.) And that the said commissioners be, and they hereby are empowered to employ a suitable clerk for transacting the business required of such clerk by this act, who is to be paid for his services out of the taxes to be raised by virtue of this act.

Passed April 3, 1779. See the Acts of Assembly passed October 10, 1779, Chapter 866; November 25, 1779, Chapter 868; March 18, 1780, Chapter 900; May 30, 1780, Chapter 909; June 1, 1780, Chapter 912; December 19, 1780, Chapter 921.

CHAPTER DCCCXLI.

AN ACT FOR SUPPLYING THE ARMY OF THE UNITED STATES, AND
FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas many of the good citizens of this commonwealth by being often of late called out as militia for the defense of their rights and liberties, or having been obliged by the enemy to abandon their habitations have thereby been deprived of the opportunity of putting in their crops, and taking due care of their harvest, and if some remedy be not applied, many of these brave men and their families must before harvest, suffer through want of bread, not by reason of any real scarcity of that article, but chiefly because many of those persons who remained at home, and minded their farms, refusing to turn out in defense of their country, have by that means raised large quantities of grain, and being prompted by avarice, minding only their own private gain and regardless of the public weal or the sufferings of their fellow citizens, have hoarded up or monopolized the same and refuse to sell any part thereof either for the relief of private individuals in want or for the use of the United States:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That when, and as often as sufficient information shall be given to any justice of the peace within this commonwealth, either by any private person, or by any quarter master general, commissary-general, his or their deputy or assistant, that any person or persons residing within twenty miles of such justice or within the township, ward or district wherein such justice dwells, is or are possessed of any larger quantity of wheat, rye, barley, Indian corn, oats, spelts or buckwheat or crop or crops now in hand, or any other sort of grain, or any flour, than is sufficient for the support of the family, and

pay a tax exceeding the sum which would be rated by virtue of this clause as have been out of their apprenticeship or servitude for the space of six months (except such as shall be actually engaged as enlisted soldiers or mariners in the service of the United States of America during the time of levying the same), shall be assessed by the said township and assistant assessors any sum not exceeding the sum of fifteen pounds nor less than the sum of three pounds, according to the respective circumstances of the said single freemen.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful for the township assessor when making the said return to demand security of any single freemen or sojourners within his township for the amount of the largest tax proposed for freemen or sojourners in this act mentioned, and upon his or their refusing to enter sufficient security, or paying the said tax, the said assessor is hereby authorized to take the body of the said freeman or sojourner before the nearest justice who is hereby authorized to commit him or them to the common gaol of the county there to remain for the space of one month or until he enters such security or pays the tax.

(Section XI, P. L.) And for the better discovery of personal property intended by this act to be charged:

[Section X,] (Section XII, P. L.) Be it therefore enacted by the authority aforesaid, That every householder in this state, shall, upon demand of any assessor of his township, ward or district, give an account of the names and occupations of such persons as shall sojourn or lodge in their respective houses under the penalty of thirty pounds, to be recovered and applied for the repairs of the roads of the said township or ward as aforesaid; and if any person that ought to be taxed by virtue of this act or in respect of any personal property shall by removing his or her effects from the county where they ought to have been assessed, or by any other fraud or covin, escape and not be taxed, and the same be proved before any one of the commissioners or any justice of the peace of the county where such person resides at any time within six months next ensuing after such tax be made, every such person shall be charged upon proof as afore-

said at the fourfold value of so much as he or she should or ought to have been taxed by this act.

[Section XI.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That every commissioner, assessor and collector who shall take upon himself the execution of this act, shall for and during the time they shall actually be employed in the discharge of their duty as commissioner, assessor or collector be entirely exempt and free from all military duty.

[Section XII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That in case of the death of any of the commissioners or of any of the county, township or assistant assessors, or their neglect or refusal to act in discharge of the duties required of them by this act, then, and in every such case the remaining commissioners and county assessors, or the major part of them shall appoint others to supply the place or places of such as shall so die, neglect or refuse to act from time to time as occasion may require, which commissioner or assessor so chosen shall take the oath or affirmation in the manner herein prescribed, and shall have full powers and authorities to perform all the duties enjoined by this act.

[Section XIII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That each county commissioner, and county, township, ward, district and assistant assessor shall respectively before they enter on any of the duties required of them by this act, make before some justice of the peace of the proper county, the oath or affirmation as is herein after directed, viz.: If a county commissioner the following oath or affirmation, to-wit:

“I will well and truly cause the rates and sums of money by virtue of this act imposed to be duly and equally assessed and laid according to the rules and directions mentioned in the act, entitled ‘An act to raise the supplies for the year, one thousand seven hundred and seventy-nine,’ to the best of my skill and knowledge so far as relates to the duty and office of a commissioner, and herein I will spare no person for favor or affection, or grieve any for hatred or ill will.”

If a county, township, ward, district or assistant assessor, the following oath or affirmation, to-wit:

shall be a sufficient discharge to the person depositing the same, and shall exonerate him from any future demands of the owner of the said grain or flour, which said money the said justice is required to pay to the person or persons entitled to receive the same, if he or they shall apply for the same within two days after the said grain or flour shall be seized as aforesaid, or if no such application shall be made within the time aforesaid, that then and in such case the said justice shall, and he is hereby enjoined within two months after the expiration of the said two days to pay the said money to the treasurer of the city or county in which the said justice resides to be paid by the said treasurer into the treasury of this state for the use of the same.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if the owner of such grain and flour which shall be so appraised, or any person or persons for or on his, her or their behalf shall, before the expiration of sixty days after such appraisement shall be made, take away or conceal the same or any part thereof, or shall refuse to deliver the same to such person or persons as shall obtain such warrant from the said justice, on being paid for or tendered payment for the same as aforesaid, unless the said owner shall have bona fide sold the same according to the true intent and meaning of this act, and the proof that such sale was so made shall lie on the said owner, then, and in such case the said owner of the said grain or flour, or the person in whose custody the same shall be appraised, shall forfeit and pay a sum equal to double the appraised value of the grain or flour which shall be removed or concealed as aforesaid, one moiety of which fine and forfeiture shall be paid to the county treasurer for the use of the state, and the other moiety thereof to the person or persons to whom the said grain or flour ought to have been delivered by virtue of the warrant aforesaid.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any of the said grain which shall be appraised as aforesaid, shall at the time of such appraisement be unthreshed and if the owner thereof shall refuse to thresh the same within ten days after the said appraisement, it shall and may be lawful for the person or persons obtaining

such warrant as before last mentioned to thresh the same in the barn of the said owner, without the least molestation or hindrance of the said owner, and if the said owner of the said grain or any other person or persons on his, her or their behalf shall refuse to permit the said grain to be threshed as aforesaid, every such person or persons so refusing shall forfeit and pay double the appraised value of the said grain, to be paid and applied in the same manner as the fine and forfeiture last mentioned, which said fines and forfeitures may be sued for and recovered by bill, plaint, or information.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That each of the said appraisers and the constable respectively, shall have and receive thirty shillings per diem for each and every day which he or they shall be bona fide employed on the duties required to be performed by them by this act to be ascertained by the justice who granted the warrant for the seizure of the same. And as it is but just and reasonable that the person who may hoard up or engross any grain or flour and shall refuse to sell it at the current price, should pay all the charges attending the seizure of the same:

[Section VII.] (Section IX, P. L.) Be it therefore enacted, That in such case as well the wages of the said appraisers and constable as the charges of the said warrant shall be deducted and paid out of the appraised price of the same.

(Section X, P. L.) Provided always, That if the price tendered and refused as aforesaid do not amount to so much as the said grain or flour shall be appraised, or if the party against whom the said first mentioned warrant shall be granted, shall [not] be adjudged to have more grain or flour than is necessary for his, her or their own use as aforesaid in such case all the said charges shall be paid by the person applying for such warrant.

[Section VIII.] (Section XI, P. L.) Be it further enacted by the authority aforesaid, That the president and supreme executive council [of this state] be, and they are hereby empowered to permit the exportation of any quantity of wheat, barley, flour, rye, Indian corn or any other sort of grain to any one of the United States applying for the same under such regulations and

restrictions as they in their discretion may judge most expedient.

(Section XII, P. L.) Provided, That it shall appear to them the said council that such quantity so to be exported can be spared after reserving a sufficient quantity for the necessary consumption of the army and the inhabitants of this state.

(Section XIII, P. L.) And provided also, That it shall appear, bona fide, that the said wheat, barley, flour, Indian corn, rye or any other sort of grain is absolutely necessary for the home consumption of the state applying for the same; anything in an act, entitled, "An act to prohibit the exportation of provisions from the state of Pennsylvania for a limited time,"¹ to the contrary notwithstanding.

Passed April 3, 1779. See the notes to the Act of Assembly passed January 2, 1778, Chapter 782; November 17, 1778, Chapter 817.

On the original roll of this act the dates of passage and record are not given.

CHAPTER DCCCXLII.

AN ACT TO PREVENT THE TRESPASSING UPON THE UNINCLOSED GROUNDS LYING IN THE TOWNSHIPS OF PASSYUNK, MOYAMENSING, NORTHERN LIBERTIES AND GERMANTOWN IN THE COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas the freeholders and inhabitants of the township of Passyunk, Moyamensing, Northern Liberties and Germantown have suffered considerable damage by the enemy, during the time of their being in possession of the city of Philadelphia, and parts adjacent, particularly by the loss of their fences and other enclosures:

(Section II, P. L.) And whereas it is difficult, if not impossible at this time to repair the said damage, and without the aid of the legislature they would be disabled from cultivating their lands and supplying the said city with hay and vegetables as usual:

¹ Passed November 17, 1778, Chapter 817.

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, no horse, mare, gelding, cow, ox, bull, sheep or other cattle shall be suffered between sunset and sunrise to run or go at large within the said townships of Passyunk, Moyamensing, the Northern Liberties and Germantown, (except the lands lying between Keeler's Lane to the southward, and the military works erected by the British army in the Northern Liberties to the northward, and extending from the river Delaware to Schuylkill.) And in case any such creature shall be found loose and at large within either of the said townships, except as above excepted, it shall and may be lawful for any freeholder or inhabitant within the same, and for any other person acting by the authority or command of any such freeholder or inhabitant, to take up such creature going at large, whether the same is trespassing or not, and to impound or confine the same in the common and open pound of the township erected or to be erected for that purpose, and there to detain the same until the owner or owners thereof shall pay to the overseers of the poor of such township the sum of twenty shillings fine, for every creature so suffered to run or go at large and taken up as aforesaid, and reasonable cost and charges [for keeping the same] and pay for any damage which such creature shall have done on the meadows, gardens or fields of any of the inhabitants of the said townships in such manner as is herein after directed.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That no horse, mare, gelding, cow, ox, bull, sheep or other cattle shall be turned out and go feeding within the said townships between sunrise and sunset except it be under the care and attendance of a regular herdsman to be employed for that purpose by the inhabitants of the city of Philadelphia, and of the said townships of Passyunk, Moyamensing, the Northern Liberties and Germantown respectively. And if any such creature shall in the day time trespass and the damage upon any embanked meadow garden, orchard or upon any ploughed or cultivated ground then employed for the raising

of grain, hemp, flax, hops, potatoes, cabbages, turnips or other vegetables within the said townships it shall be lawful for any of the said freeholders or inhabitants and for any other person acting by the authority or command of such freeholder or inhabitant to take up such creature, trespassing on the meadow or other cultivated ground of any inhabitant thereof, although such ground be not enclosed in fence, and put the same into the pound of the township, there to be detained and kept until the owner of the trespassing creature or creatures shall have satisfied the damage done to the person or persons that have been injured thereby, besides the costs of impounding and keeping the same.

(Section V, P. L.) Provided always, That where such trespassing creature shall have been entrusted by the owner thereof to the care of a regular herdsman, such owner shall have his remedy against the herdsman by whose neglect such creature has been suffered to commit trespass.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the pounds which by virtue of an act of general assembly of this state, entitled "An act for erecting of pounds in each township of this province,"¹ are already erected in the aforesaid township shall be used for the impounding of creatures trespassing within the meaning of this act. And the pound-keepers thereof shall take the charge of the creatures delivered to him according to the directions of the same act, but where there is no such pounds erected, or pound-keepers appointed, or the pound is not sufficient for the putting this act in execution, that then and in either of the said cases it shall and may be lawful for the person whose lands are unenclosed or any of them to erect a pound or pounds, and to appoint pound-keepers.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the notices concerning creatures impounded shall be given to the owners thereof, or publicly advertised, and the costs and charges of impounding and keeping the same with the fines set upon owners of such creatures, and the damages suffered by their trespass shall be assess-

¹ Passed May 10, 1779, Chapter 301.

ed and recovered in the same manner, and the persons breaking such pounds or rescuing cattle lawfully impounded therein, punished as in the aforesaid act for erecting of pounds, and in the act entitled "An act concerning cattle, horses and sheep trespassing within this province,"¹ is directed and provided.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That this act shall be and continue in force from the publication thereof, until the first day of December next, and no longer.

Passed April 5, 1779. See the note to the Acts of Assembly passed January 12, 1705-6, Chapter 158; May 10, 1729, Chapter 301; March 4, 1763, Chapter 490; and the Acts of Assembly passed March 13, 1780, Chapter 892; April 2, 1781, Chapter 934.

CHAPTER DCCCXLIII.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO REGULATE THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA."²

(Section I, P. L.) Whereas it has been found by experience, that the fines and penalties laid on persons neglecting to perform the military duties required by the act to which this is a supplement are insufficient for the good purposes intended:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, each and every person or persons within this state, who shall not do and perform his or their tour of militia duty as directed by law, shall forfeit and pay the sum of one hundred pounds, instead of forty pounds heretofore imposed by the former law, to be recovered in the same manner as fines for such neglects are directed to be recovered; and for all neglects in

¹ Passed March 4, 1763, Chapter 490.

² Passed March 17, 1777, Chapter 750.

performing the other military services required by the law to which this is a supplement, or any supplement to the same, shall pay six times what they were by law obliged to pay, except the inhabitants of the city of Philadelphia and the liberties thereof, who shall pay eight times the sum payable by the former laws for all neglects aforesaid. And the captain or commanding officer of each company within this state shall in one hour after the time appointed for meeting, order the roll or list of names to be called, and the next field day make a just return of each and every person absent at roll call on any of the muster days, to the commanding officer of the battalion to which he shall belong, so that the fines may be levied for his neglect, and if any captain or commanding officer shall refuse or neglect to make such return, he shall forfeit and pay for each neglect or refusal fifty pounds, which, with all other fines under this law shall be recovered in the same manner as fines for not performing their tour of militia duty. And the commanding officer shall as soon after such return as conveniently may be, make return to the lieutenant, or sub-lieutenant of the city or counties, so that the same may be recovered, and for such neglect or refusal he shall forfeit and pay the sum of one hundred pounds.

(Section III, P. L.) And whereas sufficient time, has not in some instances been allowed for appeals:

For remedy whereof:

[Section II.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That from and after the publication hereof, it shall and may be lawful for the lieutenant or sub-lieutenants of the city of Philadelphia, or any of the counties of this state, to appoint any other day or days of appeal that he or they shall judge necessary for the doing of complete justice to the good people of this state.

(Section V, P. L.) And whereas by the laws heretofore in force, it is not in the power of the supreme executive council, even in the time of the greatest danger to draw into service more than a certain number of classes, or the one half of the battalions or companies of militia:

For remedy whereof:

[Section III.] (Section VI, P. L.) Be it enacted by the authority aforesaid, That in case of the actual invasion of this state or any part thereof, the supreme executive council, are hereby authorized and empowered to call into service any company or companies, battalion or battalions of militia as may be most convenient, or as the case may require, anything in the act for regulating the militia of this commonwealth or the several supplements thereunto, contained to the contrary in any wise notwithstanding.

(Section VII, P. L.) And for the encouragement of those brave men who shall turn out in defense of their country:

[Section IV.] (Section VIII, P. L.) Be it further enacted by the authority aforesaid, That every militia-man of this state, who shall turn out in his class or other ways according to law, and shall serve his full tour of two months, shall have and receive the sum of twenty pounds over and above the pay which such militia man is entitled to receive by the laws heretofore in force, and in that proportion for any lesser time if lawfully discharged; which said overplus shall be paid by the paymasters of the militia of the city and several counties of this state, out of the fines which shall be levied and collected from delinquents by this act; which said paymasters respectively on producing an attested certificate from the commanding officer of any such draught of militia, to the supreme executive council, shall receive an order on the state treasurer for such sum or sums, as may appear to council to be due.

[Section V.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That from and after the publication of this act, the lieutenant of the city of Philadelphia, and of each county of this state shall be allowed for each day they are actually employed by virtue of this act, the sum of thirty-seven shillings and six pence, and every sub-lieutenant within this state shall be allowed for each day they are actually employed as aforesaid, the sum of thirty shillings, and no more.

[Section VI.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That so much of the act to regulate the militia of this commonwealth and the several supplements there-

to as is hereby altered or supplied is hereby declared to be repealed and made void.

Passed April 5, 1779. See the note to the Act of Assembly passed March 17, 1777, Chapter 750. The act in the text was repealed by the Act of Assembly passed March 20, 1780, Chapter 902.

CHAPTER DCCCXLIV.

AN ACT TO AMEND AN ACT OF GENERAL ASSEMBLY OF THIS STATE, ENTITLED AN ACT FOR THE REGULATION OF WAGONS, AND THE SUPPLEMENT AND FURTHER SUPPLEMENT TO THE SAID ACT.

(Section I, P. L.) Whereas, in and by the act of general assembly, entitled 'An act for the regulation of wagons, carriages and pack horses, for the public service,'¹ passed at Lancaster, on the second day of January, one thousand seven hundred and seventy-eight, it is enacted that "upon application to the wagon master general of this state by the quarter master general, he shall issue his order to the county wagon master to furnish the number of wagons and teams that may be wanted; taking care, that, as far as circumstances will admit, they perform the said service in rotation, paying due regard to whose wagons have already been in the service."

(Section II, P. L.) And whereas the liberal construction that has been given to the authority vested in the quarter master general of the federal army has been such as to enable his deputies to call forth the wagons of this state in such numbers and for such lengthy and distant services, as to greatly overburden and oppress the husbandmen thereof, and to hinder the tillage of the country, and the supply of bread, as well for the use of the federal army as the sustentation of the inhabitants:

For remedy whereof:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the

¹ Passed January 2, 1778, Chapter 780.

authority of the same, That from and after the publication of this act, no wagon or wagons, team or teams, be furnished by the wagon master of the state or any of his deputies to the quarter master general or any other officer for the public service, unless with the approbation and warrant of the supreme executive council of this state, who are hereby authorized to judge of the number of such wagons and teams, length of service not exceeding thirty days, and distance which such wagon or wagons, team or teams, may be employed for and sent.

(Section IV, P. L.) Provided always, That nothing herein contained, shall extend to repeal the authority in the said recited act given to officers, who have in charge the public records or papers and to lieutenants and sub-lieutenants of the several counties to demand wagons and teams for the public service as heretofore.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any person from and after the publication of this act, shall on any pretence whatsoever, other than to supply the demands of the officers, having in charge the public records and the lieutenants and sub-lieutenants aforesaid, seize, take and impress any wagon or wagons, cart or carts, team or teams, horse or horses, or any of the gears, harness, or any parts, furniture or accoutrements of any wagon or cart, without having first obtained an express warrant from the supreme executive council for that purpose signed by the president or vice-president in council; every person so offending shall upon prosecution by indictment in any court of quarter sessions, being thereof convicted; forfeit and pay to the use of this state the sum of five hundred pounds, and the party grieved shall also recover of such persons so offending in an action of trespass, treble damages, together with treble costs of suit.

(Section VI, P. L.) And whereas the wagons and teams of this state, drawn out for the public service, have been through the speculation and fraud of dishonest men, misapplied and perverted to the purposes of conveying and transporting private property, to the manifest oppression of the good people of this state, by increasing the burden of this fatiguing service, and

the waste of the public treasure, and the great disgust and disquiet of the good people of this state:

Wherefore for effectual remedy thereof:

[Section III.] (Section VII, P. L.) Be it enacted by the authority aforesaid, That from and after the publication of this act, if any officer in the service of this state, or of the United [States] of America, or any other person shall transport on any wagon, cart or horse drawn out for public use, by virtue of the laws of this state, or carry or cause to be transported or carried any goods and merchandise or other private property not belonging to the United States, or one of them or to this state, other than the baggage and other accommodations allowed by Congress, or by the commander in chief of the federal army or the supreme executive council of this state to the officers and soldiers and other persons employed in the public service; such persons so offending shall if convicted thereof upon prosecution by indictment for the same in any court of quarter sessions forfeit the sum of five hundred pounds to the use of this state; and every justice of the peace, constable, and every other person is hereby enabled to seize for his own use and benefit all such private property, except as is before excepted, so carried or carrying, transported or transporting, within this state, and to prosecute the same to condemnation, in any court of common pleas in this state, by information in rem; and that no claim for the same shall be admitted by the court till sufficient security be given by the person claiming, to answer all costs to the seizer, in case the said claimant shall fail; or if the said private property, so carried and transported as aforesaid be removed, the value of the same shall be recovered to the use of any person who shall sue for the same, by action of debt in any court of common pleas in this state; in which information in rem, or action of debt, the onus probandi shall lie up [on] the claimant or defendant. And for the more thorough correction of this public abuse, the owner and owners of such wagon, team, cart or horse, upon the conviction of any person or persons as aforesaid, of any such perversion or misapplication of any wagon or wagons, team or teams, cart or carts, horse or horses, in transporting or carrying of private property, as aforesaid, shall recover treble

the pay or hire of the same as allowed by this act together with costs; if not exceeding ten pounds, in the manner in which small debts is [sic] [are] recoverable; if exceeding ten pounds by an action of trespass.

[Section IV.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That from and after the publication of this act the pay of a wagon and four horses with a driver, called into public service by virtue of this act, shall be four pounds ten shillings per day; [and that the pay of a wagon and two horses and driver shall be three pounds per day], and that the hire of a pack horse with proper furniture shall be ten shillings per day. The horses being by the public found with forage and the drivers with rations.

[Section V.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any person shall be sued or prosecuted for any thing done in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence, and if the plaintiff discontinue, be non-suited or fail the defendant shall recover treble costs.

Passed April 5, 1779. See the note to the Act of Assembly passed January 2, 1778, Chapter 780.

CHAPTER DCCCXLV.

AN ACT FOR THE REGULATION OF THE MARKETS IN THE CITY OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas the forestalling and regrating of provisions, in and near the city of Philadelphia, has produced great inconveniences, and if not restrained, is likely to bring great distress upon the inhabitants of said city, and its vicinity:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That from and after the publication of

this act, if any person shall buy, or cause to be bought, any provisions or victuals whatsoever, for the food of man, coming by land or by water towards the market of the said city, or shall make any bargain, contract or promise for the having or buying the same or any part thereof, so coming as aforesaid before the said provisions or victuals shall be in the said market, ready to be sold, or shall make any motion by word, letter, message or otherwise to any person for the enhancing of the price or dearer selling of anything above mentioned, or shall dissuade or labor any person coming to said market, to abstain or forbear to bring provisions or victuals to the said market; every such person so offending shall be deemed a forestaller and proceeded against as such in the court of quarter sessions of the city of Philadelphia, or of the county wherein the offense shall be committed.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person shall within the market of the said city or elsewhere, within four miles of the county court-house, in the said city, regrate, obtain, or get into his or her hands or possession any provisions or victuals, and do sell the same again within the same market or elsewhere, within the circuit of four miles round the said court-house as aforesaid, every such person shall be deemed and proceeded against as aforesaid as a regrater.

(Section IV, P. L.) Provided always, That nothing herein contained shall extend to any inn-keeper, or other victualler, buying in the said market, to sell the same within his own dwelling to his guests; nor to any butcher, acting in his proper mystery and craft, and not forestalling or regrating nor [to] any huckster or retailer buying provisions or victuals in the said market, and not elsewhere, after ten o'clock in the forenoon, and not earlier, in order that the inhabitants of the said city, needing food for the use of themselves and their families, may be first supplied.

(Section V, P. L.) Provided also, That this act shall not extend to wines, oils, sugars nor other imported victuals, salt and fish only excepted, and that no person within the compass of four miles as aforesaid, who shall buy any oxen, bulls, cows,

heifers, calves, swine, sheep, lambs, goats or kids living, and shall sell the same again, alive or dead, after having fed them for five weeks on his own land, or in his own possession, shall be within the meaning of this act.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any person shall be guilty of any of the said offenses, he or she shall for the first offense be imprisoned two months, and forfeit the value of the goods, by him or her so forestalled or regrated as aforesaid; for the second offense the said offender shall be imprisoned for half a year and forfeit double the value of the goods by him or her forestalled or regrated as aforesaid, and for the third offense, such offender shall be set in the pillory, forfeit all his goods, and imprisoned at the discretion of the court, and the said forfeiture shall be distributed one-half to the use of the state, and the other half to the use of the person who shall prosecute within two months after the offense shall be committed.

(Section VIII, P. L.) And whereas the practice of buying and selling the necessities of life and other commodities with hard money or specie, is one of the means of depreciating the continental bills of credit.

[Section IV.] (Section VIII, P. L.) Be it therefore enacted by the authority aforesaid, That from and after the passing of this act no person or persons whatsoever within this commonwealth shall buy or sell, or offer to buy or sell any of the necessities of life or other commodities with or for hard money; and if any person shall be convicted of buying or selling, or offering to buy and sell, any merchandise, commodities, or any of the necessities of life, or renting of houses or lands for hard money contrary to this act, he or she so offending shall forfeit and pay for the use of this state fifty pounds, and the value of the things so bought or offered to be bought or sold, or the amount of the rent asked or demanded for such house or lands.

(Section IX, P. L.) And whereas there has [sic] have been great abuses committed in the assize and weight of all [sorts] of bread, made for and exposed to sale in the city of Philadelphia:

[Section V.] (Section X, P. L.) Be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for

any [three] of the justices of the peace, in and for the city of Philadelphia, or any of the counties within this state, and they are hereby empowered and required, as often as there shall be occasion to set, ascertain and appoint the assize and weight of all sorts of bread which shall be made for sale, sold or exposed to sale within the said city and liberties or any county of this state, and the price to be paid for the same, as fully to all intents and purposes, as the mayor or recorder, and any two of the aldermen of the said city ought or could have done by the laws of the province of Pennsylvania in force on the fourteenth day of May, one thousand seven hundred and seventy-six.

Passed April 5, 1779.

As to Sections I-IV, see the note to the Act of Assembly passed January 2, 1778, Chapter 779; and the Acts of Assembly passed October 8, 1779, Chapter 859; June 1, 1780, Chapter 912.

As to Section V, see the notes to the Acts of Assembly passed March 27, 1700, Chapter 51; March 18, 1775, Chapter 709.

The entire act was repealed by the Act of Assembly passed February 26, 1801, Chapter 2207.

CHAPTER DCCCXLVI.

A FURTHER SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR REGULATING AND CONTINUING THE NIGHTLY WATCH, ENLIGHTENING THE STREETS, LANES AND ALLEYS OF THE CITY OF PHILADELPHIA AND FOR OTHER PURPOSES THEREIN MENTIONED,"¹ AND TO AN ACT WHICH IS A SUPPLEMENT THERETO, PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SIX.²

(Section I, P. L.) Whereas in and by the aforesaid supplement passed the sixth of April in the year of our Lord one thousand seven hundred and seventy-six, entitled "An act to continue part of an act made in the eleventh year of the reign of His present Majesty King George the Third, entitled 'An act regulating and continuing the nightly watch, enlightening the streets, lanes and alleys of the city of Philadelphia and for other

¹ Passed March 9, 1771, Chapter 636.

² Passed April 6, 1776, Chapter 719.

purposes therein mentioned; and for making further provision for the better executing the said act,'² among other things it was therein enacted, that the wardens and assessors of the city of Philadelphia, for the better support of the nightly watch and keeping the public pumps in repair might assess and levy a tax rate of six pence in the pound on all estates real and personal and taxables within the said city; which rate by experience is found insufficient by reason of the increase of watchmen and workmen's wages, excessive high price of oil and materials: and it has become expedient and necessary that further provision be made to enable the wardens and assessors to raise and levy an additional tax of six pence in the pound on all estates real and personal, and to authorize their treasurer to receive the rents and income of the market-houses, ferries, wharves and public landing places within the bounds and limits of the said city; to the end the difficulties under which the wardens at present labor may be in some measure removed, and the nightly watch so necessary at this time may be kept up and continued:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the wardens and assessors of the said city to raise and levy an additional rate not exceeding six pence in the pound on the inhabitants and on all the estates real and personal and taxables within the city of Philadelphia and to be levied and collected in the same manner, by the same persons and for the same uses as directed in and by the said recited act and the act of general assembly passed the ninth day of March in the year one thousand seven hundred and seventy one, entitled "An act for regulating and continuing the nightly watch, enlightening the streets, lanes and alleys of the city of Philadelphia and for other purposes therein mentioned,"¹ over and above the rates and sums of money thereby authorized to be raised, levied and collected.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That the clerk of the market and all other per-

² Passed April 6, 1776, Chapter 719.

sons who have had the demising and letting of the market-houses, stalls and stands in the market places, and of the ferries, wharves and public landing places within the bounds and limits of the city of Philadelphia, shall, and they are hereby respectively required within the space of fifteen days after the passing of this act, to render and deliver a rent-roll, or list of all the rents agreed upon or payable by and the names of the several tenants, occupiers and possessors of the stalls and stands in the market houses and market places, and of the ferries, wharves and public landing places and the sums or annual rents they respectively pay or are chargeable with, and the times agreed on for payment to the wardens of the said city. And the clerk of the market for the time being shall collect the rents of the market houses, stalls and stands in the market places as they become due quarterly and in arrear; and after deducting the costs and charges of repairs and his accustomed fees for collecting shall forthwith pay the overplus, together with the moneys already collected for rents and in his hands to the treasurer of the wardens and assessors for the time being, whose receipt (which he is hereby required to give) shall be a sufficient discharge to him for any sum of money so paid, under the penalty of five hundred pounds for every neglect or refusal.

[Section III.] (Section IV, P. L.) And be it enacted by the authority aforesaid, That the owners and occupiers of the several ferries, wharves and public landing places within the said city shall from time to time pay their respective rents as they become due to the treasurer of the wardens and assessors for the time being (whose receipt, which he is hereby required to give shall be a sufficient discharge to him or them for the sum of money so paid) under the penalty of treble the amount of said rents for every neglect or refusal.

[Section IV.] (Section V, P. L.) And be it enacted by the authority aforesaid, That the moneys which shall be received by the treasurer of the wardens and assessors aforesaid, of the clerk of the market and the owners and occupiers of the ferries, wharves and public landing places shall be disposed of by the wardens or a majority of them and applied to the same uses and purposes as mentioned and specified in an act of general

assembly passed the ninth day of March in the year of our Lord one thousand seven hundred and seventy-one entitled "An act for regulating and continuing the nightly watch, enlightening the streets, lanes and alleys of the city of Philadelphia and for other purposes therein mentioned."¹

[Section V.] (Section VI, P. L.) And be it enacted by the authority aforesaid, That if the persons appointed collectors of the taxes, and the freeholders hereafter to be chosen or appointed to make returns of the taxables within [the] respective wards, shall refuse to take upon them the offices enjoined and required in and by the said recited act, every such person so refusing shall forfeit and pay an additional fine of fifty pounds, over and above the fines heretofore fixed by law; to be recovered in the same manner and at the same time and applied to the same uses as fines and forfeitures were directed to be recovered in the said recited act to which this act is a supplement.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the fees of the several officers who are or shall be employed in the execution of this act and the act to which this is a supplement and the act therein referred to shall have and receive over and above the fees therein fixed an addition of as much more.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue in full force for the term of one year from the passing hereof and from thence to the end of the next sitting of the general assembly and no longer.

Passed April 5, 1779. See the note to the Act of Assembly passed March 9, 1771, Chapter 636.

Laws enacted in the third sitting of the third general assembly of the Commonwealth of Pennsylvania, which commenced at Philadelphia on Monday the thirtieth day of August, A. D. 1779:

CHAPTER DCCCXLVII.

AN ACT TO APPOINT A REPRESENTATION FOR THE CITY OF PHILADELPHIA, AND THE SEVERAL COUNTIES IN THIS COMMONWEALTH IN PROPORTION TO THE NUMBER OF TAXABLE INHABITANTS IN EACH.

(Section I, P. L.) Whereas it is declared in and by the seventeenth section of the constitution of this commonwealth that "as representation in proportion to the number of taxable inhabitants is the only principle which can at all times secure liberty and make the voice of a majority of the people the law of the land, therefore the general assembly shall cause complete lists of the taxable inhabitants in the city and each county in the commonwealth respectively to be taken and returned to them on or before the last meeting of the assembly elected in the year one thousand seven hundred and seventy-eight; and shall appoint a representation to each in proportion to the number of taxables in such returns which representation shall continue for the next seven years afterwards:"

(Section II, P. L.) And whereas an act of assembly was passed on the twenty-ninth day of March last to ascertain the number of taxable inhabitants within the city of Philadelphia and within each of the counties of this commonwealth, in pursuance of which returns from the said city and the several counties (except the county of Westmoreland which from the Indian incursions and the disputed boundary with Virginia was unable to

send any such returns) containing the number of taxable inhabitants within each, have been made to this assembly in compliance therefore with the directions of the said constitution:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the freemen of the city of Philadelphia and of each of the counties within this commonwealth respectively who are or shall be qualified to vote for representatives, by the laws thereof for the time being shall on the second Tuesday of October next, and on the same day in each of the next six succeeding years and in the manner and form directed by the said laws choose the number of persons hereinafter respectively mentioned to represent them in general assembly for each of the said seven years, That is to say, For the city of Philadelphia five; for the county of Philadelphia nine; for the county of Bucks five; for the county of Chester eight; for the county of Lancaster eleven; for the county of York eight; for the county of Cumberland seven; for the county of Berks six; for the county of Northampton five; for the county of Bedford two; for the county of Northumberland three; and for the county of Westmoreland three which persons so chosen shall be the general assembly of representatives of the freemen of Pennsylvania and shall have all and every the powers thereof for and during each of the said seven years respectively, according to the directions and the true intent and meaning of the said constitution and of the laws which are or shall be made in pursuance thereof.

[Section II.] (Section IV, P. L.) And be it further enacted, That whensoever the returns of taxables shall be made by the county of Westmoreland, the said county shall elect a number of members to serve in the general assembly for the said county for the remainder of the said seven years, as nearly as may be in proportion to the number of taxables so returned, That is to say, one member for every seven hundred and fifty-three taxables.

Passed September 24, 1779. See the Acts of Assembly passed September 13, 1785, Chapter 1175; September 27, 1786, Chapter 1253; (the Constitution of 1790, Article 1, Sections IV-VII;) April 22, 1794, Chapter 1770; April 5, 1797, Chapter 1951; February 27, 1801, Chapter 2212; March 21, 1808, P. L. 86; March 8, 1815, P. L. 93; March

25, 1822, P. L. 74; April 20, 1829, P. L. 212; June 16, 1836, P. L. 794; (the Constitution of 1838, Article I, Sections IV-VII;) April 14, 1843, P. L. 247; April 16, 1845, P. L. 529; May 15, 1850, P. L. 777; May 20, 1857, P. L. 619; April 22, 1858, P. L. 465; April 11, 1862, P. L. 502; May 5, 1864, P. L. 258; May 24, 1864, P. L. 1014; May 6, 1871, P. L. 252; May 11, 1871, P. L. 259; (the Constitution of 1874, Article II, Sections 16-18;) May 19, 1874, P. L. 197; May 12, 1887, P. L. 98; May 8, 1889, P. L. 138.

CHAPTER DCCCXLVIII.

AN ACT FOR THE BETTER ASCERTAINING THE BOUNDARY LINE BETWEEN THE COUNTIES OF CUMBERLAND, BEDFORD AND NORTHUMBERLAND.

Whereas the act of general assembly of the province of Pennsylvania, entitled "An act for explaining and better ascertaining the boundary lines of the county of Bedford,"¹ passed the twenty-first day of March one thousand seven hundred and seventy-two, and the act passed the same day, entitled "An act for erecting a part of the counties of Lancaster, Cumberland, Berks, Northampton and Bedford into a separate county,"² are contradictory to each other and assign different and inconsistent boundaries to the said county of Bedford and the county of Northumberland and part of the boundary of the said county of Northumberland is by reason of the course of Little Juniata near the head thereof, impassable, and that strip of land on the north-east side of Juniata between Jack's Narrows and Standing Stone Mountain, being separated by large mountains from the rest of Cumberland county, makes it inconvenient for the people residing on the said northeast side of Juniata at the place aforesaid, that the same should continue in the said county of Cumberland:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby

¹ Passed March 21, 1772, Chapter 658.

² Passed March 21, 1772, Chapter 644.

enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the lines following, viz.: "Beginning where the line dividing Pennsylvania and Maryland crosses the North or Blue Mountain, that runs between the Great and Little Coves, and that part of Cumberland county called Conecocheague, and thence along the summit of the said mountain to the beginning of the Tuscarora Mountain and running along the summit of the said Tuscarora Mountain to the Gap near the head of the Path Valley from thence a north line to the Juniata river, thence up the Juniata to Jack's Narrows, thence along the summit of the ridges and mountains which divide the waters falling into the said north-east side of the said Juniata above Jack's Narrows aforesaid from the waters which fall into the said river below the said narrows to Tuffey's Mountain at the head of the Standing Stone Creek, thence along the summit of Tuffey's Mountain to the ridge dividing the waters, falling into Bald Eagle Creek from the waters of Little Juniata, thence along the said last mentioned ridge, to the Chestnut Ridge, thence along the Chestnut Ridge to the head of the south-west branch of Bald Eagle Creek, from thence a straight line to the head of Moshannon Creek, thence down Moshannon Creek to the west branch of Susquehanna, thence up the said west branch to the purchase line, run from Kittanning to said west branch to the line of Westmoreland county, thence along the south-east boundary of the said county of Westmoreland as the same is described in the act erecting the said county of Westmoreland, to the line dividing Pennsylvania from Maryland aforesaid, and thence along the said line last mentioned to the place of beginning, shall be and are hereby declared to be the boundary lines of the said county of Bedford, anything in the said recited acts or of the act for erecting the said county of Bedford, to the contrary notwithstanding. Provided that nothing herein contained shall be deemed or taken to disannul or make void the said recited acts or any clause, article, matter or thing therein contained, except what is hereby altered or supplied, but that the same articles, clauses, matters and things and every

of them not hereby altered or supplied shall be and remain in full force and virtue.

Passed September 30, 1779. See the notes to the Acts of Assembly passed January 27, 1749-50, Chapter 380; March 9, 1771, Chapter 629; March 21, 1772, Chapter 644.

CHAPTER DCCOXLIX.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR REGULATING, PITCHING, PAVING AND CLEANSING THE HIGHWAYS, STREETS, LANES AND ALLEYS; AND FOR REGULATING, MAKING, AND AMENDING THE WATERCOURSES, AND COMMON SEWERS WITHIN THE INHABITED AND SETTLED PARTS OF THE CITY OF PHILADELPHIA; FOR RAISING OF MONEY TO DEFRAY THE EXPENSES THEREOF; AND FOR OTHER PURPOSES THEREIN MENTIONED."¹

(Section I, P. L.) Whereas the paving the streets, lanes and alleys within the inhabited and settled parts of the city of Philadelphia and the keeping the same clear of filth and rubbish has greatly contributed to the conveniency as well as to the health of the inhabitants:

(Section II, P. L.) And whereas the present street commissioners have found by experience that the tax of three pence in the pound last assessed and levied on the inhabitants and estates within the said city falls greatly short of the purposes intended, since the present enhanced price of materials and workmen's wages:

(Section III, P. L.) And whereas it is absolutely necessary that the streets, lanes and alleys which are already paved within the inhabited and settled parts of the said city should be kept clean and in repair; and that an additional rate of nine pence in the pound be levied on the inhabitants and all estates real and personal within the said city:

[Section I.] (Section IV, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the

¹ Passed February 18, 1769, Chapter 594.

authority of the same, That from and after the passing of this act it shall and may be lawful for the commissioners of the streets, lanes and alleys of the city of Philadelphia and their successors, and they are hereby empowered to levy an additional tax rate of any sum not exceeding nine pence in the pound on the inhabitants, and all estates real and personal, and taxables within the bounds and limits of the city of Philadelphia yearly and every year during the continuance of this act, and to be assessed, levied and collected in the same manner, by the same persons and for the same uses as in and by an act of general assembly made and passed the eighteenth day of February in the year of our Lord one thousand seven hundred and sixty-nine, entitled "An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys; and for regulating, making and amending the watercourses and common sewers within the inhabited and settled parts of the city of Philadelphia; for raising of money to defray the expenses thereof, and for other purposes therein mentioned,"¹ is or are directed to be assessed, levied and collected.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any person who shall be appointed the collector of the aforesaid taxes of any ward or wards, or any constable of any ward in the city of Philadelphia shall neglect or refuse to take upon him the duty or office required of him by the commissioners or assessors aforesaid (unless he can give a reasonable excuse to the satisfaction of the commissioners for such his refusal) he shall forfeit and pay an additional fine of forty-five pounds for every such neglect or refusal.

[Section III.] (Section VI.) And be it further enacted by the authority aforesaid, That if any person shall commit any of the offenses mentioned and specified in the said act to which act this is a supplement, every such person so offending shall be liable to pay eight times the forfeiture contained in the said act; anything in the said act to the contrary in any wise notwithstanding.

[Section IV.] (Section VII, P. L.) And be it enacted by the authority aforesaid, That all fines and forfeitures incurred by

virtue of this act, and the act to which this act is a supplement shall be recovered in the same manner and applied to the same uses and purposes as fines and forfeitures are directed to be recovered and applied in the said act to which this act is a supplement and in no other manner.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That this act shall be and continue in full force for two years next ensuing and from thence to the end of the next sitting of the general assembly, and no longer.

Passed September 30, 1779. See the note to the Act of Assembly passed February 18, 1769, Chapter 594; and see the Acts of Assembly passed March 8, 1780, Chapter 888.

CHAPTER DCCCL.

AN ACT TO CONTINUE AN ACT, ENTITLED "AN ACT FOR OPENING AND BETTER AMENDING AND KEEPING IN REPAIR THE PUBLIC ROADS AND HIGHWAYS WITHIN THIS PROVINCE."¹

(Section I, P. L.) Whereas the said act in its operation is found beneficial and easy to the inhabitants and travellers in this state, but by its own limitation would expire at the end of the sitting of this assembly:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said act and every article, clause and thing therein contained (so much thereof as relates to the assessment of estates within the several townships, the quantum of the fines and penalties imposed on persons offending against the directions of the said act, to the daily wages allowed to supervisors of [the] highways for their actual attendance at the mending and repairing the same and the clause of limitation aforesaid only excepted) shall be and is hereby

Passed March 21, 1772, Chapter 653.

declared to be in full force and virtue for and during the term of two years from and after the publication hereof and from thence to the end of the next sitting of assembly and no longer.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the supervisors of the public roads and highways within the respective townships of this state valuing and estimating real and personal estates, within their said townships as the same were valued in the year of our Lord one thousand seven hundred and seventy-two, when the aforesaid act was made shall or may during the continuance of this act make or lay a rate or rates in any one year not exceeding seven shillings and six pence in the pound on the yearly value of the same estates to be employed for the opening, clearing, amending and repairing the several roads and highways within their respective townships. And that the said supervisors besides the twelve pence in every pound by them to be collected shall be allowed and paid three pounds fifteen shillings per diem for each day he or they shall attend in overseeing, employing and directing the workmen upon the public roads and highways within their townships. And that [every] person who shall be duly elected and chosen supervisor of the public roads and highways and shall refuse or neglect to take upon himself the said office shall forfeit and pay the sum of one hundred pounds, to be applied towards amending and repairing the said roads. And that such supervisors as have taken upon themselves the office to which they were chosen, but shall refuse or neglect to do and perform their duty as directed by the said act shall be fined and pay the sum of fifty pounds for every such offense. And that every person employed at work in the repairing of the public roads or being with these workmen who shall ask any money, drink or any reward whatsoever, or shall by any means whatsoever extort or endeavor to extort any money or other thing of or from any person passing or travelling upon the said public roads shall for every such offense pay to the supervisor or supervisors of the township the sum of ten pounds. And the supervisor who shall connive at such practices, or shall himself extort or endeavor to extort any money or other thing from any traveller as aforesaid shall forfeit and pay

for each offense the sum of twenty pounds. And that every person and persons who shall stop or fill up any drain or ditch already cut and opened or hereafter to be cut and opened by the said supervisors to carry off and drain the water from the public roads shall be fined and pay the sum of fifty pounds for every such offense.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the several fines, penalties and forfeitures imposed by this act shall be levied, recovered and employed in the same manner and to the same uses as in and by the aforesaid act passed in the year one thousand seven hundred and seventy-two is directed.

Passed September 30, 1779. See the note to the Act of Assembly passed March 21, 1772, Chapter 653; and the act of Assembly passed March 8, 1780, Chapter 888. Repealed by the Act of Assembly passed April 6, 1802, P. L. 178.

CHAPTER DCCCLI.

A SUPPLEMENT TO THE ACT FOR RAISING OF COUNTY RATES AND LEVIES.¹

(Section I, P. L.) Whereas it has been found by experience that the said act is defective in sundry parts thereof, and in order that it may fully answer the good purposes for which it was intended requires to be amended in the following particulars, That is to say:

(Section II, P. L.) Whereas it is enacted in and by the said act, that no assessment of county rates to be made by virtue of the said act in any one year, shall exceed the value of three pence per pound, and nine shillings per head on single men,

¹ Passed March 20, 1724-5, Chapter 284.

liable to be taxed by the said act, and that the proprietaries' proper estates should not be liable to be rated or assessed:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, instead of the said sum of three pence per pound and nine shillings per head there shall be assessed, levied, raised and collected any sum or sums not exceeding five shillings per pound in any one year on all property made taxable by the said act, and also on the proprietaries' proper estate, and on all ground rents, and the tax on single men shall be in the same proportion to the tax on property to be raised by virtue of this act, as in the before recited act, and to be assessed, levied, raised, collected and applied according to the directions of the said act.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the treasurer of the city of Philadelphia, and the treasurer of each of the counties of this commonwealth shall become bound to the commissioners of the city and proper county with one or more sufficient sureties in five thousand pounds, conditioned for the true execution of their respective offices.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the reward for killing a full grown dog or bitch wolf shall be fifteen pounds; and for every wolf puppy or whelp ten pounds, to be paid in the manner directed by the said act and supplement thereto.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all taxes to be assessed by virtue of the act to which this is a supplement, or by this act, on all lands, houses and lots, shall be paid by the person or persons possessing such lands, houses or lots, and levied according to the directions of the said act.

[Section V.] (Section VII, P. L.) Provided that nothing herein contained shall be deemed or taken to disannul or make void the said recited act or any clause, article, matter or thing therein contained except what is hereby altered or supplied, but that

the same article, clauses, matters and things not hereby altered or supplied shall be and remain in full force and virtue.

Passed October 1, 1779. See the note to the Act of Assembly passed March 20, 1724-25, Chapter 284; and the Act of Assembly passed April 13, 1782, Chapter 972. The act in the text was repealed, except the third section by the Act of Assembly passed April 11, 1799, Chapter 2095.

As to Section III, see the notes to the Acts of Assembly passed January 12, 1705-6, Chapter 146. This section was repealed by the Act of Assembly passed April 13, 1782, Chapter 972.

CHAPTER DCCCLII.

A FURTHER SUPPLEMENT TO THE TEST LAWS OF THIS STATE.

(Section I, P. L.) Whereas by virtue of that inherent and unquestionable right, which every government hath to exact a test of allegiance from all persons within it, at such times and in such manner, as the preservation of the state shall require; several test laws have been successively passed at different priods, by the legislature of this state, presenting oaths of allegiance to this commonwealth:

(Section II, P. L.) And whereas many persons have omitted to take and subscribe the same as is reasonably apprehended from disaffection to our late glorious revolution:

(Section III, P. L.) And whereas it is unjust, as well as impolitic to admit to a common participation of the blessings of independence, those who refuse to share in common with the good people of these states, the dangers and inconveni[en]ces of the present contest:

(Section IV, P. L.) And whereas many persons inimical to the liberties of this country, despairing of subverting the same by open force, may be induced to assume the mask of friendship, and after insinuating themselves into favor and confidence, endeavor to betray those whom they cannot conquer:

(Section V, P. L.) And whereas to secure and establish the

independence of this commonwealth, as declared by Congress, is a duty which we owe to ourselves who now enjoy it, to those brave men who have exposed their lives for this noble purpose, and to our posterity who will claim at our hands this the most valuable inheritance that could have been left them: Therefore to attain this great object to make a proper and reasonable distinction between those who step forward in the hour of trial, and those who would enjoy the rewards of victory without having contributed towards it, and to guard against secret and deceitful designs:

[Section I.] (Section VI, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all male white inhabitants of this state, above the age of eighteen years, who have not hitherto taken the oath or affirmation mentioned and appointed to be taken in the act of assembly, entitled "An act obliging the male white inhabitants of this state to give assurances of allegiance to the same; and for other purposes therein mentioned,"¹ enacted the thirteenth day of June, one thousand seven hundred and seventy-seven, within the time and according to the terms prescribed in said act, and who have also neglected and omitted to take and subscribe the oath or affirmation in said act mentioned within the further time indulged, and according to the terms prescribed by an act entitled "An act for the further security of the government,"² and who have neglected to take and subscribe the oath or affirmation appointed to be taken and subscribed by an act, entitled "A further supplement to the act entitled, An act for the further security of government"³ within the time limited and according to the terms prescribed in said last mentioned act; and who shall refuse or neglect to take and subscribe the oath or affirmation of allegiance prescribed in said act passed the fifth day of December one thousand seven hundred and seventy-eight, if an inhabitant of the county of Cumberland, Bedford, Northumberland or Westmoreland, on

¹ Passed June 13, 1777, Chapter 754.

² Passed April 1, 1778, Chapter 796.

³ Passed December 5, 1778, Chapter 822. .

or before the first day of December next; or if an inhabitant of the county of Lancaster, York, Berks or Northampton, within thirty-five days from the passing of this act; or if an inhabitant of the city of Philadelphia, or of the county of Philadelphia, Bucks or Chester, within twenty days after the passing thereof, such persons shall be, and are hereby declared to be, excluded from, and incapable of electing or being elected into, or holding any office or place of trust within this government or serving on juries, or keeping schools (except in private houses).

(Section VII, P. L.) Provided, That this act shall not extend to exempt them from serving the offices of supervisor of the highways, collector of the public taxes, or overseers of the poor.

[Section II.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That every such person so refusing or neglecting to take the said oath or affirmation within the time hereby limited and appointed, shall be forever excluded from the same, and deprived of the privileges and benefits of a citizen or citizens who shall have complied with this act.

(Section IX, P. L.) And whereas some doubts have arisen on the construction of the said acts, whether officers and soldiers in the continental army, who have not taken the oath of allegiance within the times limited in the same are entitled to the privileges of citizens:

To remove such doubts:

[Section III.] (Section X, P. L.) Be it enacted by the authority aforesaid, That all officers both of the line and staff, attending the army and all soldiers who are now or were in the service of this or the United States on the said first day of June, one thousand seven hundred and seventy-eight, shall have and are declared to have all the privileges of citizens of this commonwealth, although they have not taken the oath aforesaid, within the time and according to the terms in the said acts limited and prescribed, as fully as if they had then taken the said oaths, as soon as they shall have taken the same.

[Section IV.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That so much of the before mentioned act of assembly, entitled "An act obliging the male white inhabitants of this state, to give assurances of allegiance to the

same, and for other purposes therein mentioned," enacted the thirteenth day of June, one thousand seven hundred and seventy-seven; and of the act, entitled "[An act] for the further security of the government," and of the supplement thereto; as are hereby altered or supplied, shall be repealed and become null and void; and that all other parts of the same acts which are now in force shall remain, continue and be in as full force and effect as if this act had never been made.

Passed October 1, 1779. See the notes to the Acts of Assembly passed June 13, 1777, Chapter 756; April 1, 1778, Chapter 796; and the Act of Assembly passed September 13, 1785, Chapter 1175. The act in the text was repealed by the Act of Assembly passed March 13, 1789, Chapter 1396.

CHAPTER DCCCLIII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR THE REPEAL OF SO MUCH OF THE ACT OF ASSEMBLY ENTITLED AN ACT FOR THE ATTAINDER OF DIVERS TRAITORS, IF THEY RENDER NOT THEMSELVES BY A CERTAIN DAY, AND FOR VESTING THEIR ESTATES IN THIS COMMONWEALTH, AND FOR MORE EFFECTUALLY DISCOVERING THE SAME AND FOR ASCERTAINING AND SATISFYING THE LAWFUL DEBTS AND CLAIMS THEREUPON, AS RELATES TO REYNOLD KEEN IN THE SAID ACT NAMED."¹

(Section I, P. L.) Whereas it appears to this house by certificate from the records of the supreme court of this commonwealth, that the said Reynold Keen, did on the twenty-eighth day of November last, within the time limited by the said act, whereto this is a supplement, render himself to the chief justice of the said court, and at the last term of the court of oyer and terminer, for the county of Philadelphia (did appear to abide his legal trial for any treason or misprison of treason that he had been or might be charged with, and was at the said term discharged from prosecution, by proclamation of the said court:

[Section III, P. L.] (Section II, P. L.) And whereas the said Reynold Keen, hath humbly petitioned this house for relief from

¹ Passed November 26, 1778, Chapter 818.

the forfeiture of his estate incurred upon the said act of attainder:

Therefore:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted, by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all process and proceedings now carrying on against the estate of the said Reynold Keen by virtue of the said act of attainder, forthwith cease and become null and void, and that all, and every the lands, tenements, hereditaments, goods, chattels, rights and credits, whereof the said Reynold Keen stood seized, or was possessed or entitled to at the time of his attainder, and not sold by the agents for confiscated estates, or commissioners appointed by the council of safety of this state, at any time before the said twenty-eighth day of November last past, shall revest in the said Reynold Keen, and that he shall have, hold, possess and enjoy the same and every part thereof, for such estate and estates, and to such uses, as he was seized of, or held the same at the time of such his attainder, as fully and amply as if he had never stood attainted or the same had never been forfeited; anything in the said act of attainder or the act whereto this is a supplement to the contrary thereof in any wise notwithstanding.

[Section II.] (Section IV, P. L.) Provided always, That nothing herein contained shall be deemed or construed to extend to any part of the estate of the said Reynold Keen, sold by the agents for confiscated estates, or commissioners appointed by ordinance of the council of safety aforesaid, at any time before the said twenty-eighth day of November last past, but that the said Reynold Keen, his heirs, executors and administrators shall be forever debarred from recovering the same, and from having any action or actions against the said agents or commissioners, or any of them for any matter or thing they have done therein: And,

[Section III.] (Section V, P. L.) Provided always, That nothing herein contained shall prevent the said estate of the said Reynold Keen from being liable to pay all costs and charges respecting the said estate, which may have been incurred by

the agents for forfeited estates or commissioners aforesaid to the day of passing this act.

Passed October 6, 1779. See the notes to the Acts of Assembly passed March 6, 1778, Chapter 784; November 26, 1778, Chapter 818.

CHAPTER DCCLIV.

AN ACT TO VEST THE ESTATE OF NATHANIEL VERNON LATE OF CHESTER COUNTY. IN HIS FOUR SONS.

(Section I, P. L.) Whereas Thomas Vernon of the county of Chester, in behalf of himself and of his three brothers Job Vernon, a captain in the fifth Pennsylvania regiment of continental troops, Frederick Vernon, a major of the eighth Pennsylvania regiment of the same, and John Vernon children of Nathaniel Vernon, late of the county aforesaid, esquire, one of the persons attainted of high treason by the laws of this commonwealth by his petition hath shown that however guilty their father may have been of a crime to occasion the forfeiture of his estate, yet that the petitioner and his said brethren have ever demeaned themselves as good citizens and have manifested their attachment to this state, the said Job and Frederick, particularly by engaging ever since the commencement of hostilities in actual service, as officers in the continental army, and the said Thomas by commanding a company of the militia of this state (the said John Vernon being under the age of eighteen) and therefore hath prayed that they may not be reduced to indigence on account of their father's transgressions but that his estate (subject to the payment of his debts) may be vested and established in the said four brethren:

(Section II, P. L.) And whereas the facts set forth in the said petition appear to be true:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and

by the authority of the same, That all and every the estate and estates, rights, titles, interest and possessions real and personal of the said Nathaniel Vernon whereof he stood seized or possessed or to which he was entitled at the time of his attainder (except such parts of the said personal estate as have been sold before the passing of this act in pursuance of the said act of attainder) be and they are hereby vested, granted, confirmed and established to the aforementioned Thomas Vernon, Job Vernon, Frederick Vernon and John Vernon, their heirs, executors, administrators and assigns forever equally to be divided between them share and share alike as tenants in common and not as joint tenants to the only proper use and benefit of them the said Thomas, Job, Frederick and John, their heirs, executors, administrators and assigns forever.

[Section II.] (Section IV, P. L.) Provided always, and be it enacted by the authority aforesaid, That the said estate shall be liable to the discharge of all the just debts and dues of all and every person or persons in like manner as the same was or is liable and subject by the laws of this state in the hands of the supreme executive council, and liable also to the just charges and expenses which have been necessarily incurred in pursuance of the said attainder and the consequent forfeiture and seizure thereof; the same to be settled and established by the justices of the supreme court by claims to them exhibited in like manner as the claims of persons against other forfeited estates and that the claims already settled and allowed by the same justices be held binding upon the said estate; and that executions shall and may issue upon the decrees of the said justices against the same estate or any part thereof in default of payment.

Passed October 6, 1779. See the note to the Act of Assembly passed March 6, 1778, Chapter 784.

CHAPTER DCCCLV.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO PREVENT THE EXPORTATION OF BREAD AND FLOUR NOT MERCHANTABLE"¹ AND TO THE ACT WHICH IS AN AMENDMENT THEREOF.²

(Section I, P. L.) Whereas often in the shipping of flour for exportation a number of persons others than the owners of ships in which it was exported have put each his own private venture in one and the same vessel, and the officers appointed for the execution of the said acts, having charged the owners of such ships or vessels and with the fees due to him for the trying of the whole cargo of flour, has lost the greater part of his said fees, when after the departure of the vessel it remained unknown who were the right owners of the flour laden therein:

(Section II, P. L.) And whereas by reason of the indefinite size of flour casks and the discretionary methods of packing the same, as hitherto used by millers and bolters, our flour trade has been greatly perplexed, which in the general opinion of the merchants, millers and other persons using that trade might otherwise be carried on with greater ease and less subject to frauds and abuses if as well the dimensions of the cask as the quantity or weight of the flour to be packed therein, according to its different sizes was by law reduced to a certain standard. For remedying of which said inconveniences to the officer and difficulties of the trade:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all flour casks used in the trade of exportation shall after the publication of this act, be made of sound and thoroughly seasoned staves of the length of twenty-seven inches, well tightened with ten hoops, sufficiently nailed and with respect to the width or circumference to be distin-

¹ Passed January 19, 1733-4, Chapter 332.

² Passed February 21, 1767, Chapter 548.

guished by the denominations of number one, two and three; That is to say, the cask of number one shall have heads of a diameter of eighteen inches; casks of number two, heads of a diameter of sixteen inches and a half; and the casks of number three, heads of a diameter of fifteen inches and a half. And that the millers or bolters when they brand their cask with their usual brand mark, as is directed by law to which this is a supplement, shall likewise brand the same cask with the character or mark of its size, to-wit, the cask measuring a diameter of eighteen inches, on its head they shall brand number one, those of sixteen inches and a half number two, and those of fifteen inches and a half number three. And the said millers and bolters shall put in the cask of number one and well pack the full quantity or weight of two hundred and twenty-four pounds of flour; in the cask of number two the full quantity or weight of one hundred and ninety-six pounds; and in the cask number three the full quantity or weight of one hundred and sixty-eight pounds of flour.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any miller or bolter shall use or pack with flour for exportation any other cask than of the three several sizes and dimensions aforesaid, branded or not branded with a number, and shall sell, or offer to sell the same as merchantable, he shall forfeit the value or charge in his account of such cask to the purchaser of the flour. And if the miller or bolter shall pack any sort or size of cask as aforesaid short of the quantity or weight of flour, which by the directions of this act he should have put in the same such miller or bolter shall forfeit such defective barrel or barrels and the flour therein contained to the overseers of the poor of the place where the forfeitures shall happen.

(Section V, P. L.) Provided always, That the millers and bolters shall be allowed during the space of six months from the publications of this act to sell and dispose for exportation their flour in barrels of any other dimensions which are already made, and on their hands, or the stuff to make the same fitted before the passing of this act.

[Section III.] (Section VI, P. L.) And be it further enacted

by the authority aforesaid, That the masters of ships and other vessels lading flour for exportation from this state, shall, after the publication of this act, in their manifests (which in pursuance of an act of general assembly, entitled "An act for regulating navigation and trade in this state,"³ they are obliged to exhibit and deliver to the naval officer thereof) expressly and distinctly declare how many barrels of flour are shipped on board their respective vessels, and by whom each parcel thereof is shipped; to which manifest or declaration the officer for trying flour shall have free access and liberty to take notes and abstracts thereof. And if any master of a vessel shall refuse or neglect to make such return to the naval officer as aforesaid, he shall besides the penalty in the said act for regulating navigation and trade set on masters of vessels neglecting to deliver such manifests forfeit to the officer of the flour act the amount of his fees for trying the whole cargo of flour shipped on board of his vessel.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the fines and forfeitures set and imposed by this act shall or may be recovered in the same manner as the fines and forfeitures set and imposed by the act to which this is a supplement.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the fees of the officer for putting in execution the several laws of this state, made for regulating the exportation of bread and flour, shall, from and after the publication of this act [be] fifteen pence for each barrel.

[Section VI.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That so much of the said act to prevent the exportation of bread and flour not merchantable, and of the act to amend the said act, as is hereby altered or supplied shall be, and is hereby repealed and declared null and void.

Passed October 9, 1779. See the note to the Act of Assembly passed January 19, 1733-34, Chapter 332. The act in the text was repealed by the Act of Assembly passed April 5, 1781, Chapter 936.

³ Passed September 10, 1778, Chapter 815.

CHAPTER DCCCLVI.

AN ACT TO PERMIT THE MAKING OF WHISKEY AND OTHER SPIRITS FROM RYE, BARLEY, OR THE MALT THEREOF, UNDER CERTAIN RESTRICTIONS THEREIN MENTIONED; AND TO PROHIBIT THE DISTILLING ANY WHISKEY OR OTHER SPIRITS FROM ANY OTHER GRAIN, MEAL, MALT OR FLOUR.

(Section I, P. L.) Whereas the great number of stills within this state, that are employed in making whiskey from grain, consume such large quantities that if suffered without restriction, would be highly injurious to the good people of this state, and would occasion a difficulty in procuring the necessary supplies for the army and fleet of the United States and the fleet and trading vessels of our faithful allies, who may come to this state:

(Section II, P. L.) And whereas it is necessary to permit the citizens of this commonwealth especially such as are at a distance from any sea ports, to distil such a part of the grain, raised by their own industry as is absolutely necessary for the consumption of their own families, and to prevent abuses that may arise from such permission:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the twentieth day of October instant, no whiskey or other spirits whatsoever shall be made, extracted or distilled within this commonwealth from any wheat, malt or other grain or from any meal or flour, except from rye or barley, and the malt made thereof.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That from and after the said twentieth day of October instant, no distiller or other person shall extract or distil any whiskey or other spirits from any rye or barley or the malt made thereof except in manner hereinafter directed;

That is to say, that before such distiller or other person shall presume to distil any such whiskey or other spirits, he shall go before some justice of the peace of the proper county, and take the following oath or affirmation which the said justice is hereby empowered and required to administer: to-wit, I, A. B., do swear (or solemnly, sincerely and truly declare and affirm) that I will not directly or indirectly distil, make or extract, or cause or suffer the same [so] to be done in my still or stills, any whiskey or other spirits from any wheat, malt or other grain, or from any meal or flour except from rye or barley and the malt made thereof; and that I will not make, extract or distil or suffer so to be done, in my stills any whiskey or other spirits, from rye, barley or of the flour or malt made thereof, in any other manner or in any greater quantity than is allowed in and by an act, entitled "An act to permit the making of whiskey and other spirits from rye, barley or the malt made thereof under certain restrictions therein mentioned; and to prohibit the distilling any whiskey or other spirits from any other grain, meal, malt or flour," during the continuance thereof.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That no distiller or other person shall [distil], make or extract any whiskey or spirits from more than eight bushels of rye and barley to or for the use of any housekeeper, except for a licensed tavern-keeper, nor from more than fifteen bushels of rye and barley, to or for the use of any such tavern-keeper, and not from more than eight bushels for the use of himself.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority [aforesaid], That no distiller shall make, extract or distil any whiskey or other spirits to or for the use of such housekeeper or licensed tavern-keeper, without a permit under the hand and seal of a justice of the peace of the proper township where such distiller resides, or from the next justice, if no justice resides in such township, and the said justice is hereby required on application made to him by any such tavern-keeper producing his license, or housekeeper, to grant a permit to such applying, empowering any distiller to distil such quantities of rye and barley as is herein respectively allowed,

and no more. And the said justice shall keep a list of the persons' names and their places of abode, and which of them are tavern-keepers to whom he shall have granted such permit and shall deliver the same to the clerk of the peace of the proper county who shall file the same in his office; and the said clerk is hereby enjoined to examine carefully the said list of names, and if it shall appear upon comparing the lists of different justices or otherwise, that any person has obtained more than one permit as aforesaid the said clerk is hereby enjoined and required to issue the proper process against the offender and to prosecute such offender to conviction.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any justice shall grant a permit or permits to any person or persons for any larger or other quantity of rye or barley than is hereby allowed, or to a tavern-keeper until such tavern-keeper shall produce his license, such justice shall forfeit and pay five hundred pounds, one-half thereof to the informer, and the other half thereof for the use of this commonwealth, and if any person or persons shall obtain any more than one permit from one justice, or shall obtain such permit from any more than one justice or for any greater quantity than is herein mentioned, such person or persons shall forfeit and pay the sum of five hundred pounds for the uses aforesaid; and if any distiller or other person shall after the said twentieth day of October instant make, extract or distil any whiskey or other spirits from any wheat, malt or other grain or from any meal or flour, except from rye or barley or the malt made thereof as aforesaid, or shall make, extract or distil any whiskey or other spirits from any greater or other quantity of rye or barley or the malt made thereof in any other manner than as is herein directed and allowed, every person so offending shall on conviction thereof in any court of quarter sessions of the peace of the city or county where such offense is committed forfeit and pay the sum of one thousand pounds for every such offense; one-half to the informer or person who will sue for the same, and the other half to the use of the proper county. And if any person shall be prosecuted for distilling without such

permit the onus probandi so far as regards the said permit shall lie on the defendant.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue in force until the first day of September next, and no longer.

Passed October 6, 1779. See the notes to the Acts of Assembly passed January 2, 1778, Chapter 779; November 17, 1778, Chapter 817. The act in the text was repealed by the Act of Assembly passed March 22, 1780, Chapter 904.

CHAPTER DCCCLVII.

AN ACT TO ESTABLISH AND CONFIRM THE ESTATE OF THOMAS BEANS IN SEVERAL LANDS AND TENEMENTS IN THIS STATE.

(Section I, P. L.) Whereas Thomas Beans of Abington township in the county of Philadelphia, yeoman, hath represented to the general assembly of this commonwealth that he is seized and possessed of one messuage or tenement and tract of land containing one hundred and forty-five acres of land in Abington township aforesaid, which he purchased of Henry Shisler and wife bounded by lands of Richard Wilton, the township line or road between Abington and lower Dublin, lands of William Roberts, Thomas King and Moses Vancourt and by Pennypack creek: One hundred and twelve acres and a half in Southampton township in the county of Bucks, purchased of Elizabeth Fletcher, bounded by lands of the Baptist meeting house of Daniel Hoogland and Wilhelmus Cornell, by the street road and lands of Stephen Watts and Charles Garrison; and two hundred acres and fifty-two perches of land in Warminster township, Bucks county purchased of Thomas Dungan and wife; bounded by the middle of the said road opposite to the lands of Thomas Cravan, John Brooks and Giles Craven; by another road opposite to lands of Joseph Hart, and by lands of Jonathan Walton and Thomas Dungan:

(Section II, P. L.) And whereas at the time of the British invasion of this state, the said Thomas Beans with the intention of providing for the safety of his title deeds, buried the same under ground from whence they have come out much defaced, and in many material places rendered illegible, as upon the view and examination thereof has appeared to a committee of this house: And the said Thomas Beans has humbly prayed for the aid of the legislature to establish by law his right and title to the lands and tenements he is in possession of under the aforesaid deeds, notwithstanding the defect and imperfection of the same, and has complied with the directions of the general assembly by giving public notice of his said application in one of the English and in one of the German newspapers printed in the city of Philadelphia:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the messuages, lands and tenements aforesaid, to-wit, the messuage or tenement and one hundred and forty-five acres of land in Abington; the messuage or tenement and one hundred and twelve and a half acres of land in Southampton; and the messuage or tenement and two hundred acres and fifty-two perches of land in Warminster, with the appurtenances respectively, are and shall be vested in the said Thomas Beans and his heirs: And that the said Thomas Beans and his heirs now do stand and from and after the publication of this act shall stand seized of the said premises and of every part and parcel thereof with the appurtenances, to and for the only use and behoof of the said Thomas Beans, his heirs and assigns forever: Subject to such quit rents or other rents, estates and encumbrances as are or may be legally charged on the same, or any part or parcel thereof: And that all persons having and claiming any estate of property and inheritance in the same premises or any part or parcel thereof shall, within the space of one year from the publication of this act make their claim by bringing a real action or ejectment against the said Thomas Beans, his heirs or assigns, or the tenant or occupiers of the said lands or otherwise from all future claims shall be ex-

cluded and forever debarred, except feme covert, persons under age, imprisoned or beyond the seas who shall make their claim within one year after the said incapacities shall be removed or otherwise they shall be debarred as aforesaid.

Passed October 8, 1778.

CHAPTER DCCCLVIII.

AN ACT TO ESTABLISH AND CONFIRM THE ESTATE OF JOHN SOMMERS IN SEVERAL LANDS AND TENEMENTS IN THIS STATE.

(Section I, P. L.) Whereas John Sommers of the manor of Moreland in the county of Philadelphia, yeoman, hath represented to the general assembly of this commonwealth that he is seised and possessed of sundry lands and tenements in the said manor of Moreland, bounded as followeth, viz.: Ninety-two acres thereof adjoining Samuel Swift, William Walton, Jonathan Wilson, a road to Newtown and Henry Walton's land; about seven acres part thereof at a place called Smithfield, adjoining the said Newtown road and lands of John Britain and Isaac Comely; one acre and twenty-two perches of land adjoining the road to the Crooked Billet by the said Newtown road and the said John Britain; and eighty-two perches of land adjoining the said Henry Walton and John Dorley:

(Section II, P. L.) And whereas at the time of the British invasion of this state, the said John Somers with the intention of providing for the safety of his title deeds, buried the same under ground, from whence they have come out much defaced and in many material places rendered illegible, as upon the view and examination thereof has appeared to a committee of this house:

(Section III, P. L.) And the said John Sommers has humbly prayed for the aid of the legislature to establish by law his right and title to the lands and tenements he is in possession of under the aforesaid deeds notwithstanding the aforesaid defects and

imperfections of the same, and has complied with the directions of the general assembly by giving public notice of his said application in one of the English and in one of the German newspapers, printed in the city of Philadelphia.

[Section I.] (Section IV, P. L.) Therefore be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the messuages, lands and tenements aforesaid with the appurtenances respectively are and shall be vested in the said John Sommers and his heirs: And that the said John Sommers and his heirs now do stand and from and after the publication of this act shall stand seised of the said premises and of every part and parcel thereof, with the appurtenances to and for the only proper use and behoof of the said John Somers, his heirs and assigns forever: Subject to such quit rents or other rents, estates and encumbrances as are or may be legally charged on the same or any part or parcel thereof: And that all persons having and claiming any estate of property and inheritance in the same premises or in any part or parcel thereof shall within the space of one year from the publication of this act make their claim by bringing an ejectment or real action against the said John Sommers, his heirs or assigns, or the tenants and occupiers of the said lands or otherwise from all future claim shall be excluded and forever debarred except feme coverts, persons under age, imprisoned or beyond sea, who shall make their claim within one year after their said incapacities shall be removed, or otherwise they shall be debarred as aforesaid.

Passed October 8, 1779.

CHAPTER DCCCLIX.

AN ACT FOR THE MORE EFFECUTALLY PREVENTING ENGROSSING AND FORESTALLING, FOR THE ENCOURAGEMENT OF COMMERCE AND THE FAIR TRADER, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas the evil practice of monopolizing and forestalling has a natural tendency to produce an artificial scarcity and to enhance the prices as well of foreign merchandise as country produce whereby the consumers are very much injured and the importer or merchant, who has run the risk receives not the least advantage:

(Section II, P. L.) And whereas such merchandise or country produce being often sold by one speculator to another, before it comes into the hands of the consumer, has a tendency equally injurious to the public good:

(Section III, P. L.) And whereas it is absolutely necessary in the most effectual manner by law to discourage such evil practices:

[Section I.] (Section IV, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That if any person shall buy, or cause to be bought any goods, wares or merchandise coming to any market or fair within this state, to be sold in such market or fair, or coming to any city, town, port, harbor, haven, or creek within this state to be sold, or shall make any bargain, contract or promise for the having or buying of any goods, wares or merchandise or any part thereof so coming as aforesaid, before the same shall be in the market, fair, city, town, port, harbor, haven or creek, ready there to be sold, or shall induce any person coming to this state or to any market or fair therein, to abstain or forbear to bring any goods, wares or merchandise [to this state] or any part thereof, shall be adjudged a forestaller; and on conviction thereof in any court of record in this state, shall

be fined by the said court in any sum not exceeding five thousand pounds, or imprisoned, not exceeding one year, or both, at the discretion of the court:

(Section V, P. L.) Provided, That the buying any goods, wares, and merchandise (except provisions coming to the market of the city of Philadelphia), carrying to market by any person for the use and consumption of himself or family for six months, shall not be deemed forestalling.

[Section II.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any person within this commonwealth shall buy to sell again within this state, or in any of the adjoining states, any butter, beef, pork, wool, flax, woolens, hemp, tallow, raw hides, tanned leather or shoes, of the produce or growth of this state, or raised or manufactured in this state, or if any person within this state shall obtain or get into his hands by buying, contracting, or promise, any goods, wares or merchandise within this state, except from the original importer or his consignee, and except as is herein after excepted, with intent to sell the same again within this state, or in any of the adjoining states, such person shall be adjudged an engrosser; and on conviction thereof as aforesaid, shall forfeit the articles aforesaid so brought or got into his possession or the value thereof, one half to the state, and the other half to the informer, and may be fined in any sum not exceeding five thousand pounds, or imprisoned for any time not exceeding one year, or both, at the discretion of the court: Provided, That the buying of any goods, wares or merchandise by any agent of this or the United States for the public use, or the purchasing materials for the carrying on manufactories, and so converted by, or for the use of the purchaser, or the buying provisions by any licensed tavern-keeper for the use of his tavern, or the buying cattle by butchers to kill, which they shall kill accordingly, or the buying cattle by any grazer and fattened on his own farm and sold again by him, shall not be deemed engrossing within this act.

[Section III.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That no person or persons shall purchase any goods imported into or manufactured within this state, to sell, barter or exchange again, unless he shall purchase

the same from the original importer, or his consignee, or manufacturer, under the penalty of forfeiting the goods so purchased one-half to the state, and the other half to the informer, and under the further penalty of any sum not exceeding one thousand pounds for each offense, and the onus probandi shall lie on such purchaser that such goods were bought as by this act is allowed; but this restraint shall not extend to licensed tavern-keepers, so as to prohibit them from purchasing liquors and other necessities for the common use of their taverns only.

[Section IV.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That every retailer shall sell goods purchased of the importer (or his consignee) or manufacturer for ready money if required, at not more than at the rate of twenty-five per centum on the purchase money paid to the importer (or his consignee) or manufacturer, and the charges of transportation or carriage to the place where exposed to sale, to be ascertained as herein after directed, except the articles of salt and brown sugar, which shall be sold at not more than thirty per centum profit on the purchase money and charges aforesaid.

[Section V.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That no person or persons within this commonwealth (except the original importer, consignee, or manufacturer, and except as is herein excepted) shall from and after the [twentieth] day of [October instant] presume to sell or expose to sell any goods, wares or merchandise before he, she or they shall obtain a permit for so doing from some one of the commissioners of trade hereinafter named of the proper county where such seller resides.

(Section X, P. L.) And to the end that the good purposes of this act may be the more effectually answered:

[Section VI.] Be it further enacted by the authority aforesaid, That before any person shall obtain such permit, he, she or they shall take the following oath or affirmation, which such commissioner is hereby required to administer before he shall grant such permit, viz.: I, A. B., do swear (or solemnly, sincerely and truly declare and affirm), that I will not directly or indirectly ask, demand, take or receive, any greater or other profits on any of the goods, wares and merchandise which I shall sell

during the continuance of an act, entitled "An act for the more effectually preventing engrossing and forestalling, for the encouragement of commerce and the fair trader and for other purposes therein mentioned, than is allowed in and by the said act; that I will not knowingly, either directly or indirectly buy, contract for, or get into my possession any such goods, wares or merchandise from any other person or persons than the original importer, consignee or manufacturer with intent to sell the same again within this state; and that I will in all things to the utmost of my power comply with the directions of the said act." And if any person or persons except as aforesaid, shall sell or expose to sale any goods, wares or merchandise before he, she or they shall obtain such permit and before he, she or they shall take the oath or affirmation aforesaid, every person so offending shall forfeit double the value of the goods so sold or offered for sale, one-half thereof to the informer and the other half to the use of the state.

(Section XI, P. L.) And whereas the venders of goods in this state may still have on their hands goods, wares and merchandise, by them purchased before the publication of this act, under pretext and color of which they may abuse the good people of this state, by demanding and receiving extravagant and enormous prices for the same, as also for goods hereafter to be purchased:

For prevention whereof:

[Section VII.] (Section XII, P. L.) Be it further enacted by the authority aforesaid, That every person and persons having goods, wares or merchandise in his, her or their hands or possession before the publication of this act, shall and is hereby required on demand to sell the same for ready money, at the same rate which other goods of the same kind and quality are sold for at the same time.

[Section VIII.] (Section XIII, P. L.) And be it enacted by the authority aforesaid, That no person or persons shall purchase any goods, wares or merchandise condemned in the court of admiralty, from the original purchaser thereof, to sell, barter or exchange again and the original purchaser shall sell the same again, reserving sufficient for the use of himself and his family

for six months if required, at not more than the rate of twenty-five per centum profit on the original purchase money, and the charges of transportation or carriage to the place where exposed to sale, except the articles of salt and brown sugar which shall be sold at not more than thirty per centum profit on the purchase money with charges as aforesaid.

[Section IX.] (Section XIV P. L.) And be it further enacted by the authority aforesaid, That if any such purchaser of condemned goods shall refuse to sell the same at the prices above limited for ready money, if required, he shall forfeit and pay the sum of one thousand pounds for every such refusal.

(Section XV, P. L.) And whereas the wicked arts of speculators, forestallers and engrossers, who infest every part of the country and are industriously purchasing up grain, flour and salt, at the most exorbitant prices, render it impracticable to obtain timely and sufficient supplies for the army and navy, unless the most rigorous measures are adopted without delay:

[Section X.] (Section XVI, P. L.) Be it therefore enacted, That it shall and may be lawful for any justice of the peace in any county of this state, and he is hereby authorized and required on information being given on oath or affirmation, of any quantity of grain, flour or salt being purchased by or in the possession of, any individual, inhabiting, residing or being within this state, who may have engrossed the same or having the care, custody or possession thereof, being engrossed, to issue his warrant empowering the informer or informers to seize the same for the use of the United States; and such justice of the peace shall forthwith call to his assistance two other justices of the peace of the same city or county, who (if the seizure shall be approved of by them or a majority of them), shall retain the flour or grain, or salt so seized, for the use of the said states; and shall, as soon as may be, transmit a certificate from under their hands of the quantity of grain, flour or salt so seized to the president and council, who shall cause the substance of such certificate to be entered on their proceedings; and the said justices, or any two of them, shall have full power and authority to call on the sheriff of the county, or his deputy, to aid and assist them in carrying this act into effect, which said sheriff, or deputy shall,

and is hereby required to aid and assist such justices accordingly.

[Section XI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the said justices, or any two of them shall and they are hereby required, as soon as may be, after determining the grain or flour aforesaid to be liable to seizure, to cause the same to be delivered to the commissary general, quarter master general, or either of their deputies or assistants, he or they paying or tendering the current price to the owner or person entitled to receive the same; and if there shall be any diversity of opinion respecting the current price between the owner or persons entitled to receive the same and the commissary general, quarter master general, his or their deputies or assistants, the justices of the peace aforesaid or any two of them are hereby authorized and required to fix and ascertain what the current price shall be deemed to be; and the said justices, or any two of them, shall and they are hereby required immediately on determining the grain, flour or salt so seized to have been engrossed, to bind over the said engrosser or engrossers if present, by recognizance, with good security, to appear at the next court of general quarter sessions of the proper city or county where the said grain, flour or salt shall be so engrossed, there to answer for the offense aforesaid, or in default of such security to commit the said offender or offenders to gaol there to remain until delivered by a due course of law; and if such engrosser or engrossers be absent, or shall reside in any other county within this state, the said justices or any two of them, shall issue their warrant, directed to the sheriff of the county where the party or parties reside or may be found, to apprehend him or them, and when apprehended such sheriff shall carry the party or parties before some justice of the county where apprehended, who shall bind him or them over as aforesaid.

[Section XII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That in case any justice of the peace or sheriff, being duly called upon, shall refuse or neglect to do his duty as by this law required, he or they shall forfeit

and pay the sum of five hundred pounds for each refusal or neglect.

[Section XIII.] (Section XIX, P. L.) And be it enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for anything done in pursuance of this act, the defendant or defendants, in any such action or suit, may plead the general issue, and give this act, and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants, and if the plaintiff shall become non-suit or discontinue his action after the defendant or defendants have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs.

(Section XX, P. L.) And whereas the salutary laws heretofore made to prevent and punish forestalling and engrossing, have not been duly executed or productive of all the good consequences which the good people of this state hath reason to expect from them; by reason whereof, and by the destructive practices of speculators and domestic enemies, our currency hath been depreciated to an incredible degree, when we consider that the Almighty Ruler of the universe hath in the course of his providence, blest our arms with such uncommon success, that it will be owing to our own want of public virtue if we are not soon a free, independent and happy people; and because in the tumult of war the laws of civil society often lose their force, it is thought necessary in order that this act may be the more effectually put into execution, to appoint commissioners of trade in the city of Philadelphia and in each county within this commonwealth:

Therefore:

[Section XIV.] (Section XXI, P. L.) Be it enacted by the authority aforesaid, That William Henry, Ephraim Bonham, Frederick Hagner, George Ord, Emanuel Eyres, William Jackson, Paul Cox and William Sharp, Esquires, shall be and are hereby appointed commissioners in and for the city and liberties of Philadelphia; James Hazlet, (Captain) David Schneider, Israel Jones, Andrew Crawford, Josiah

Hart, Michael Croll, and John Richards, Esquires, shall be and are hereby appointed commissioners in and for the county of Philadelphia; David Denny, Andrew Boyd, Junior, John Kinkead, John Beaton, Persifer Frazier, Adam Grubb and Peter Bell, Esquires, shall be and are hereby appointed commissioners in and for the county of Chester; John Gill, Abraham DuBois, Nathaniel Elliott, Joseph Thomas, and Theophilus Foulke, shall be and are hereby appointed commissioners in and for the county of Bucks; Thomas Whitesides, John Whitehill, William Henry, Robert Craig, John Harris (at Harris' Ferry) and John Thomb, Esquires, shall be and are hereby appointed commissioners in and for the county of Lancaster; Adam Whitman, Henry Haller, Valentine Eckart, Christian Lower, Junior and Daniel Utree, Esquires, shall be and are hereby appointed commissioners in and for the county of Berks; Robert Levers, John Arndt, and William McNair, Esquires, shall be and are hereby appointed commissioners in and for the county of Northampton; Henry Slagle, William McLean, Benjamin Pedan, John Hay, Philip Gardner, Peter Schultz, Andrew Shriver, Junior, and James Dill, Esquires, shall be and are hereby appointed commissioners in and for the county of York; William Brown of Carlisle, James Taylor, James Young, and William McClure, Esquires, shall be and are hereby appointed commissioners in and for the county of Cumberland; David Espy, Samuel Davidson, Jacob Hall and Benjamin Burd, Esquires, shall be and are hereby appointed commissioners in and for the county of Bedford; Frederick Antis and David McKenny, Esquires, shall be and are hereby appointed commissioners in and for the county of Northumberland; John Proctor, Hugh Mitchell, John Kyle, and Philip Jenkins, Esquires, shall be and are hereby appointed commissioners in and for the county of Westmoreland.

[Section XV.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, for the city and liberties of Philadelphia, shall meet together at the court house of the said city on the sixteenth day of this instant October; and the said commissioners, or a majority of them, for the counties of this state, shall meet together at the court house of their respective counties, on the day

to be to them appointed and notified by the clerks of the quarter sessions of the peace, respectively, (which said clerks are hereby authorized and required to send such notice and appointment immediately on receiving copies of this act, to the respective commissioners), which said commissioners before they proceed to act shall take the following oath or affirmation before some justice of the peace, who is hereby empowered and required to administer the same, to-wit: "I,, do swear, (or solemnly, sincerely, and truly declare and affirm), that I will diligently, faithfully and impartially execute the trust in me reposed as a commissioner of trade for the city or county of, according to the directions of an act, entitled "An act for the more effectual preventing, engrossing and forestalling, for the encouragement of commerce and the fair trader, and for other purposes therein mentioned.'" And a majority of such commissioners when met, whether on adjournment to the same or any other place shall be sufficient to proceed to business and they may appoint a clerk. And the said commissioners shall have and receive from each of the persons obtaining permits in pursuance of this act, the sum of three pounds for each permit to be by them granted: And if the justices of the court of quarter sessions shall be of opinion, from time to time, that the sums so received shall not be an adequate compensation for the respective services of the said commissioners and clerks, that then and in that case they shall order such further compensation to be made out of the city or county treasury, as they shall think proper.

[Section XVI.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That if any person shall use insulting or abusive language to any such commissioner when in the execution of his office, upon conviction thereof, in the court of quarter sessions of the proper county, shall be fined by the said court in any sum not exceeding one hundred pounds.

[Section XVII.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That if any commissioner appointed by this act, shall refuse to serve, not having a lawful excuse in the opinion of the court of general quarter sessions of the proper county, such commissioner for such refusal shall

forfeit any pay any sum not exceeding five hundred pounds, lawful money of Pennsylvania; and the other commissioners or a majority of them shall upon the refusal of any commissioner to act as aforesaid, or should any commissioner die, or be otherwise rendered incapable to discharge the duties of this act, proceed to choose some fit person to act in his room, who shall, previous to his acting, take the oath or affirmation aforesaid.

[Section XVIII.] (Section XXV, P. L.) And be it enacted by the authority aforesaid, That the said commissioners and every of them shall have full power and authority, and they are hereby directed and required to make diligent inquiry throughout their city or county of all breaches against this act, and shall have all the power and authority of justices of the peace, to call all persons before them against whom information shall be made on oath or affirmation as offenders against this act, and may bind them over with sufficient security to appear at the next court of general quarter sessions to be held for the proper city or county, or for default of such security may commit the offender to gaol, there to remain till delivered by a due course of law; and if the commissioners aforesaid, or any of them, shall have reason to believe that any person or persons can give information of any offense being committed against this act, they shall immediately cause such person or persons to come before them, who shall be examined on oath or affirmation, and if need be shall compel such person or persons to enter into recognizance for his, her or their appearance, to testify against such offenders.

(Section XXVI, P. L.) And whereas millers by being allowed to buy wheat, and to manufacture the same into flour, may, under color thereof, hoard the same up contrary to the true meaning and intent of this act; for prevention whereof:

[Section XIX.] (Section XXVII, P. L.) Be it enacted by the authority aforesaid, That every miller who shall purchase wheat, shall manufacture the same into flour, and expose such flour to sale as soon as may be, and if any miller shall purchase or get into his possession any quantity of wheat (besides what shall be deemed necessary for the support of himself and family for one year,) and shall not manufacture the said wheat into

~~flour~~ within six weeks after the same came into his possession, except he is prevented by some unavoidable cause, or having ~~manufactured~~ the same into flour shall refuse to expose such ~~flour~~ to sale at the current price, every such person shall be adjudged an engrosser, and shall be punished as engrossers are directed to be punished by this act.

(Section XXVIII, P. L.) And whereas merchants and others may, under pretence of purchasing flour or grain for exportation, engross large quantities thereof and elude this act:

For prevention wherof:

[Section XX.] (Section XXIX, P. L.) Be it further enacted, That if any merchant, exporter or any person on his or their behalf, shall purchase any flour or grain, except what may be necessary for the support and consumption of himself and family for six months, every such person or persons shall bona fide, export the same according to the true intent and meaning of this act, within six weeks after the same shall be purchased by him or them as aforesaid, unless prevented by some unavoidable cause or accident: And if any merchant, importer, or other person, shall buy or get into his possession any quantity of flour or grain, except as aforesaid, under pretence that the same was bought for exportation, and shall not export the same as aforesaid, except prevented as aforesaid, every such person shall be adjudged an engrosser and liable to the like punishment.

[Section XXI.] (Section XXX, P. L.) And be it further enacted by the authority aforesaid, That the naval officer shall, and he is hereby required to publish in one of the English and German newspapers, monthly and every month, a list of all vessels which shall arrive in the port of Philadelphia, with a list of their cargo, and to whom they belong or to whom consigned.

[Section XXII.] (Section XXXI, P. L.) And be it further enacted by the authority aforesaid, That the importers of goods, wares, or merchandise shall expose the same to sale within the space of two weeks after the same shall arrive at the Port of Philadelphia; and if any importer or his agent shall neglect or refuse to expose to sale any goods or merchandise, except what may be necessary for the use of himself and family for six months, on being tendered the current price therefor in ready

money; every person so offending shall be adjudged an engrosser, and punished as by this act is directed.

Passed October 8, 1779. See the note to the Act of Assembly passed January 2, 1778, Chapter 779. The act in the text was repealed by the Act of Assembly passed March 22, 1780, Chapter 779.

CHAPTER DCCCLX.

AN ACT TO ENABLE THE SHERIFF OF THE CITY AND COUNTY OF PHILADELPHIA, FOR THE TIME BEING, TO CONFINE PRISONERS IN THE OLD GAOL IN THE SAID CITY.

(Section I, P. L.) Whereas in and by an act of assembly of this commonwealth passed the twenty-seventh day of August in the year of our Lord one thousand seven hundred and seventy-eight, entitled "An act to indemnify William Dewees, Esquire, the late sheriff and James Claypoole, Esquire, the present sheriff of the city and county of Philadelphia for removing the prisoners from the new gaol and imprisoning them and others in the old gaol of the city of Philadelphia,"¹ it is enacted that the sheriffs of the city and county aforesaid may keep and hold [prisoners] in the gaol of the said city and county, from the time of passing the said act for and during the term of one year:

(Section II, P. L.) And whereas it is necessary to enable the said sheriffs to confine prisoners in the said gaol for a longer time and to indemnify James Claypoole, Esquire, the present sheriff of the said city and county for imprisoning sundry persons in the said gaol after the expiration of one year, from and after the passing of the said act:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the sheriff of the city and county aforesaid for the time being may keep, hold and imprison in the said old gaol all traitors, felons,

¹ Passed August 27, 1778, Chapter 802.

criminals and debtors who are or shall be liable by the laws of this commonwealth to be holden, kept and imprisoned in the gaol of the said city and county, for and during the times in their respective commitments warranted by the said laws mentioned and expressed, anything in the before recited law to the contrary in any wise notwithstanding.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said James Claypoole, Esquire, the present sheriff of the said city and county and his deputies, shall be and they are hereby indemnified and saved harmless against all and all manner of suits and actions which may be brought against him, them or any of them for or by reason of the keeping and imprisoning of any person or persons that now are imprisoned or have been imprisoned in the said gaol since the twenty-seventh day of August last, who ought to have been imprisoned in the gaol of the said city and county and that if any such suit or action shall be brought against him or them the same is hereby declared to be barred.

[Section III.] (Section V, P. L.) Provided, That nothing herein contained shall be deemed or taken to disannul or make void the said recited act or any clause, article, matter or thing therein contained, except what is hereby altered or supplied, but that the same articles, clauses, matters and things not hereby altered or supplied, shall be and remain in full force and virtue.

Passed October 8, 1779. See the note to the act of Assembly passed August 27, 1778, Chapter 802; and the Acts of Assembly passed September 10, 1784, Chapter 1108; April 8, 1785, Chapter 1165; September 13, 1785, Chapter 1177.

CHAPTER DCCCLXI.

AN ACT FOR DISSOLVING THE MARRIAGE OF JAMES MARTIN WITH ELIZABETH HIS WIFE.

(Section I, P. L.) Whereas James Martin of the city of Philadelphia by his petition hath shown that during his absence from the said city at the time when the British army were in posses-

sion thereof, his wife Elizabeth resorted among the British soldiers, and took one serjeant Havell of the British army into his the said James Martin's house and bed, and cohabited with the said Havell as his wife, declared the said Havell to be her husband and passed by his name until the British troops left the city, when she went off with said Havell, taking with her the said James Martin's effects, and leaving him to pay sundry debts of her contracting, and therefore by his said petition hath prayed that he may be divorced from the said Elizabeth his wife, and their marriage dissolved so that he may be relieved in future from any charges for her maintenance or any debts of her contracting and that he may be hereafter enabled to marry again:

(Section II, P. L.) And whereas the several facts set forth in the said petition have been fully proved on oath by sundry witnesses, and due notice hath been given by advertisements in the public newspapers to the end that any person or persons might now show cause why the prayer of the said petition should not be granted, and nothing appearing to the contrary:

[Section I.] (Section III, P. L.) Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the date hereof the marriage of the said James Martin with Elizabeth his wife, and all and every contract and celebration of marriage had, made or concluded by and between them, be and they and every of them are hereby enacted and declared to be dissolved, and from henceforth null and void to all intents and purposes whatsoever, as if the same had never been contracted, made or celebrated; and that from henceforth all and every the duties, rights and claims accruing to either of the said parties at any time heretofore in pursuance of the said marriage shall cease and determine and that the said James Martin shall and do cease from being the husband of the said Elizabeth, and the said Elizabeth Martin from being the wife of the said James in law and in fact forever.

(Section IV, P. L.) Provided always nevertheless, That nothing herein contained shall be construed to extend to, or affect or

render illegitimate any children born of the body of the said **Elizabeth** during her coverture with the said James.

[Section II.] (Section V, P. L.) And be it further enacted by **the** authority aforesaid, That from and after the date hereof **the** said James Martin be, and he is hereby freely, fully and **entirely** authorized and empowered to contract matrimony and **the** same in due form to celebrate with any other woman in like **manner** as he the said James, if he had never been married to **the** said Elizabeth lawfully, might or could do.

Passed October 8, 1779.

CHAPTER DCCCLXII.

A SUPPLEMENT TO "AN ACT FOR THE MORE EASY AND SPEEDY RECOVERY OF SMALL DEBTS." ¹

(Section I, P. L.) Whereas it has been found by experience **that** the law to which [this] is a supplement was beneficial to **the** good people of this state, and it would be more so if extended to a greater sum:

[Section I.] (Section II, P. L.) Be it therefore enacted, [and **it is** hereby enacted] by the Representatives of the Freemen of **the** Commonwealth of Pennsylvania in General Assembly met, **and** by the authority of the same, That all actions for debt or **other** demand for the value of five pounds and not exceeding **fifty** pounds (except such actions as are excepted in the law to which this is a supplement) shall immediately after the **publication** of this act, be and are hereby made cognizable **before** any justice of the peace of the city of Philadelphia or any **of** the counties of this state and where the party resides, or may **be** found in such manner as is directed by the law to which this **is** a supplement for the recovery of debts above forty shillings **and** not exceeding five pounds and proceed to judge and **execute** thereon as is thereby directed.

¹Passed March 1, 1745-6, Chapter 365.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That no court of common pleas in this state shall have cognizance of any debt or demand under five pounds, but that the same shall be determined in such manner as debts under forty shillings formerly were.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That such parts of the said law to which this is a supplement as are now altered or amended are hereby repealed and declared to be null and void.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the act entitled "An act to increase the fines and penalties on public officers for refusal and neglect of duty, and also to augment the fees of the several officers hereinafter mentioned,"¹ shall be and continue in force until the end of the next sitting of the next general assembly, and no longer.

Passed October 9, 1779. See the note to the Act of Assembly passed March 7, 1745-46, Chapter 365. The act in the text was repealed by the Act of Assembly passed April 3, 1781, Chapter 935.

CHAPTER DCCCLXIII.

AN ACT FOR CONTINUING AN ACT, ENTITLED "AN ACT FOR THE MORE EASY RECOVERY OF LEGACIES."²

(Section I, P. L.) Whereas an act of assembly passed on the twenty-first day of March, which was in the year of our Lord one thousand seven hundred and seventy-two, entitled "An act for the more easy recovery of legacies," has been found a good and wholesome law; and fit to be perpetuated; and the same being nearly expired by its own limitation:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of

¹ Passed March 16, 1779, Chapter 828.

² Passed March 21, 1772, Chapter 654.

the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said act, and everything therein contained, save the clause limiting the continuance thereof, is hereby made perpetual.

Passed October 9, 1779. See the note to the Act of Assembly passed March 21, 1772, Chapter 654.

CHAPTER DCCCLXIV.

AN ACT FOR PROCURING AN IMMEDIATE SUPPLY OF PROVISIONS FOR THE PURPOSES HEREIN MENTIONED.

(Section I, P. L.) Whereas his most christian majesty, the illustrious friend and ally of these United States, hath sent a great and powerful fleet to co-operate with the arms of these states for the annoyance and destruction of the common enemy, which will require a very considerable and immediate supply of provisions, and more especially of flour, which it is both our duty and interest to furnish without delay, so as to give vigor and effect to the united arms, and realize the happy prospects of terminating the war:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That the county of Philadelphia shall furnish one thousand barrels of good merchantable flour; the county of Chester two thousand five hundred barrels; the county of Bucks one thousand five hundred barrels; the county of Lancaster three thousand seven hundred and fifty barrels; the county of Berks two thousand two hundred and fifty barrels; the county of Northampton one thousand barrels, to be paid for at the market price.

(Section III, P. L.) Provided always, That any flour delivered by the inhabitants of either of the above counties pursuant to a resolve of the supreme executive council bearing date the thir-

tieth day of September ultimo shall be deemed and considered as a part of the quota of each county to which such inhabitants belong.

[Section II.] (Section IV, P. L.) Be it also enacted by the authority aforesaid, That for the more certain collection of the above supply without delay, the commissioners hereinafter mentioned, or a majority of them, shall meet together on the fifteenth day of this instant October at the following places, viz.: the commissioners of Philadelphia county at the house of Abraham Wentz; the commissioners of Bucks county at the house of William Bennett, tavern-keeper; the commissioners of Chester county at the house of Elijah Weed; the commissioners of Lancaster county at the court-house in the borough; the commissioners of Berks county at the court-house in Reading town; and the commissioners of Northampton county at the house of Jonas Hertz, Esquire, and be[ing] so met, the said commissioners respectively shall proceed to determine the mode in which the said supply can be furnished with the greatest expedition; and in order to make such determination effectual for the purpose herein mentioned, the said commissioners are hereby vested with full power and authority to divide the said counties into districts respectively, if they shall deem it expedient, and to enjoin and require the possessors and holders of wheat within the county or districts respectively to thresh out a proportion of their several crops of wheat (first reserving what may be sufficient for the use of their families for one year) not exceeding one-eighth part thereof, to be delivered at such time and place as the said commissioners or either of them, when acting in a separate district shall direct not exceeding fifteen miles from the dwelling house of such possessor or holder of wheat, and not exceeding fifteen days from the time of giving public notice of such requisition in the county and district respectively. And the said commissioners respectively shall cause the said wheat so delivered to be ground into good merchantable flour, packed in good barrels, and forwarded to such person as shall be appointed by the supreme executive council to receive the same.

[Section III.] (Section V, P. L.) And be it enacted by the authority aforesaid, That if any of the inhabitants aforesaid shall

neglect or refuse to comply with the requisition of the said commissioners or commissioner, they or he respectively shall complain thereof to some one justice of the county or district where such refusal or neglect may happen, who shall forthwith summon the delinquents or delinquent to appear before him and proceed therein as by this act is directed in the case of engrossers so far as the seizing flour and grain in the possession of such delinquent, beyond what is necessary, in the opinion of such commissioner for the use of his family and delivering it as above directed.

[Section IV.] (Section VI, P. L.) And be it enacted by the authority aforesaid, That the said commissioners shall be entitled to receive twelve dollars by the day for each day they shall be actually employed in the respective duties required of them by this act, and four dollars per barrel, for every barrel they shall procure. And if the said commissioners or any of them hereby appointed shall refuse or neglect to perform the said office, he or they shall respectively forfeit the sum of five hundred pounds, to be applied to the use of the poor where such refuser or neglecter shall reside, unless upon appeal to the court of quarter sessions, he shall make such excuse as to the said court shall appear sufficient and satisfactory. And in case of the refusal, death or disability of the said commissioners or any of them it shall and may be lawful for any two justices of the peace, where the party delinquent resides, to supply such deficiency by a new appointment, and such person appointed shall be liable to the same penalties, exercise the same powers and be entitled to the same rewards as those herein appointed.

[Section V.] (Section VII, P. L.) Be it also enacted by the authority aforesaid, That all and singular the powers and authorities given and granted hereby for the procuring the several quantities of flour above mentioned shall cease and determine on the first day of December next, or sooner, if the said demand shall be satisfied; and in that case the supreme executive council are hereby authorized and empowered by proclamation under the seal of the state to revoke and determine the same.

[Section VI.] (Section VIII, P. L.) And be it further enacted

by the authority aforesaid, That the supreme executive council shall and is hereby authorized and empowered to draw orders on the state treasurer in favor of the commissioners for such sums and in such times as they shall think proper for the purpose of carrying this act into execution.

[Section VII.] (Section IX, P. L.) [And be it further enacted by the authority aforesaid, That the following persons shall be and they are hereby appointed commissioners in and for the several counties hereinafter mentioned; to-wit: for the county of Philadelphia, Jacob Reed, Nathan Levering, Thomas Dungan, Jenkin Evans, Robert McDowell, Andrew Reed and Peter Holston; for the county of Bucks, John Thompson, Joshua Anderson, Andrew Long, Senior, Robert Robinson, Robert Stewart, [and] Nathaniel Vansant; for the county of Chester, Andrew Boyd, Senior, Thomas Cheney, John Beaton, Edward Parker and Thomas Heslip; for the county of Lancaster, Richard Foree, David Wattson, Thomas Edwards, James Anderson, Junior, Hugh Pedon, William Swan, Jacob Fouts, Martin Holman, James Jack, Esquire, and William Clark; for the county of Berks, Joseph Heester, Michael Lindemuth, Jacob Weaver, Henry Spycker, Jacob Boyer, Jacob Bishop and Jacob Morgan, Senior, and for the county of Northampton, Anthony Learch, David Deshler, Thomas Moore and Thomas Wilson.]

Passed October 9, 1779. See the Act of Assembly passed January 2, 1778, Chapter 782.

CHAPTER DCCCLXV.

AN ACT TO EMPOWER THE SUPREME EXECUTIVE COUNCIL AND JUSTICES OF THE SUPREME COURT TO APPREHEND SUSPECTED PERSONS, AND TO INCREASE THE FINES TO WHICH PERSONS ARE LIABLE, FOR NEGLECTING TO PERFORM THEIR TOUR OF MILITIA DUTY.

(Section I, P. L.) Whereas there is reason to suspect that there are sundry persons within this commonwealth, who by their general conduct have manifested an enmity to the liberty and

independence of their county; and it is inconsistent with the **pu**blic safety that such persons should be at liberty, to spread **dis**affection, or have it in their power to give intelligence to the **en**emy, or enjoy the same freedom, which the good citizens of **this** commonwealth, who have given proofs of their attachment **to** the common cause enjoy:

(Section II, P. L.) And whereas the legislatures of countries **most** jealous of their liberties, have, in times of public danger, **consented** to a temporary suspension of laws, which they have **considered** as the greatest support of those liberties:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it **is** hereby enacted, by the Representatives of the Freemen of the **Commonwealth** of Pennsylvania in General Assembly met, and **by** the authority of the same, That whenever complaint shall be **made** to the supreme executive council or justices of the supreme **court**, or to any of them, that the general conduct of any person **within** this Commonwealth, is such, that there is just reason to **suspect** he is an enemy to the American cause, or that he hath **manifested** a general disaffection thereunto, it shall and may **be** lawful for the said supreme executive council or justices, or **either** of the said justices, and they are hereby required to issue **their** warrant and apprehend such person, and bring him before **said** council or justice and if it shall appear on due examina-
tion that such person has in his general conduct manifested **an** enmity or disaffection to the liberty and independence of the **United** States of America, the said supreme executive council or **justice** shall bind such person over, with sufficient security to **his** good behavior, or for want of such security shall commit **him** to gaol, there to remain until the end of the first sitting of **the** next assembly. Or if it shall appear to the said council or **justice**, that it would be dangerous that such person should be **per**mitted to go at large, then the said council or justice shall **com**mit such person to the gaol aforesaid, there to remain for **the** time aforesaid without bail or mainprize or shall send such **per**son out of this state.

(Section IV, P. L.) And whereas nothing is more just and **equitable** than that persons who neglect or refuse to turn out in **defence** of their liberty and property, should pay an equivalent

in proportion to the property which is protected by those who do turn out at their country's call. In order to enable the legislature to make some recompense to such as perform their tour of duty, greatly to the prejudice of their private affairs, and often to the great distress of their families.

[Section II.] (Section V, P. L.) Be it enacted by the authority aforesaid, That instead of the sum of one hundred pounds, which persons refusing to perform their tour of militia duty are now by law subject to, every person and persons who shall refuse or neglect upon being lawfully warned, to perform their tour of militia duty, according to the true intent and meaning of the militia laws of this commonwealth, it shall and may be lawful for the lieutenant or sub-lieutenant of the city of Philadelphia and the proper county and the judges of the court of appeal to fine each and every person so neglecting or refusing in any sum not exceeding one thousand pounds nor under one hundred pounds, except in cases of inability of body and estate: and in laying and judging of the amount of the said fine the said lieutenant or sub-lieutenant and judges shall have a due regard to the value of such delinquents estate and circumstances, and the said fines hereby imposed shall be assessed, levied and collected in the same manner as the fines which persons are now subject to for refusing to perform the like duties are directed to be assessed, levied and collected.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the lieutenant of the city and each county in this state from and after the publication of this act shall have and receive sixteen dollars per diem for each day they shall be actually employed and shall be authorized to pay fifteen dollars to each of such persons as shall be summoned to and shall attend and sit in their courts of appeal and the sub-lieutenants shall have and receive fifteen dollars per diem for each day they shall be in actual service as aforesaid.

Passed October 10, 1779. See the Acts of Assembly passed November 27, 1779, Chapter 872; March 20, 1780, Chapter 902; March 24, 1780, Chapter 906.

CHAPTER DCCCLXVI.

AN ACT FOR RAISING THE ADDITIONAL SUM OF FIVE MILLIONS SEVEN HUNDRED THOUSAND DOLLARS FOR THE CURRENT YEAR ONE THOUSAND SEVEN HUNDRED AND SEVENTY-NINE.

(Section I, P. L.) Whereas Congress by their resolution dated the twenty-first day of May last, have required in addition to the sums heretofore by them required, that the further sum of forty-five millions of dollars should be raised within these United States, and paid into the continental treasury on or before the first day of January next, and have assigned the sum of five millions seven hundred thousand dollars thereof as the quota of this state:

(Section II, P. L.) And whereas it is the desire of the representatives of the freemen of this state to comply with the said resolution of Congress:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said sum of five millions seven hundred thousand dollars shall be raised, levied, collected and paid within the current year, over and above the sum of four millions of dollars required to be raised by an act, entitled "An act for raising the supplies for the year one thousand seven hundred and seventy-nine,"¹ and shall be raised, assessed and taxed in the city of Philadelphia and the several counties of this state according to the method and proportions following, That is to say, for the city [and county] of Philadelphia the sum of seven hundred and nine thousand and seventy-five pounds nine shillings and seven pence; for the county of Bucks the sum of one hundred and forty thousand two hundred and forty-eight pounds seven shillings and six pence; for the county of Chester the sum of two hundred and twenty-five thousand one hundred and thirty-three pounds fourteen shillings; for the county of Lancaster the sum of three hundred and four thousand six hundred and ninety-three pounds, and three pence; for the county of North-

¹ Passed April 3, 1779, Chapter 840.

ampton the sum of eighty-eight thousand two hundred and eighteen pounds ten shillings and one penny; for the county of Berks the sum of one hundred and fifty-three thousand two hundred and forty-five pounds seven shillings and eight pence; for the county of York the sum of one hundred and sixty-nine thousand seven hundred and fifty-four pounds twelve shillings and two pence; for the county of Cumberland the sum of one hundred and fifty-nine thousand five hundred and fifty-five pounds two shillings and six pence; for the county of Bedford the sum of forty-eight thousand three hundred and sixty-three pounds eight shillings and seven pence; for the county of Northumberland the sum of eighty-two thousand two hundred and forty pounds sixteen shillings and five pence; and for the county of Westmoreland the sum of fifty-nine thousand seven hundred and forty-three pounds two shillings and six pence.

[Section II.] (Section IV, P. L.) And be it enacted by the authority aforesaid, That the commissioners and assessors of the city and county of Philadelphia and of every county in this State, shall meet together on or before the second day of November next, at the usual place of meeting, and shall then and there issue their warrants under their hands and seals, to the township, ward or district assessors of each township, ward or district within their respective counties, requiring him, the said township assessor, to make a fair return in writing, on a certain day to be by them appointed, of the names and surnames of all the taxable inhabitants and single freemen within their respective townships, wards or districts, together with a fair and true return of all the estates, real and personal, and in what county situated, made taxable by this act, and to whom such estates respectively belong. And to enable the commissioners and county assessors to do the strictest justice in quoting the several townships, wards and districts, within the city and each county of this state, the said assessors are hereby empowered and required to administer to each taxable within their respective township, ward or district, an oath or affirmation in the following words:

(Section V, P. L.) I, A. B. do swear or (solemnly, sincerely and truly declare and affirm), that the return which I have

made is a just and true return of all my taxable property real and personal, and in what county situate; and that the sum of money by me now returned is all the ready money which I have in my hands or possession, or which any person, or persons has in his or her hands or possession for me, to the best of my knowledge and belief; and that I have not directly or indirectly parted with or disposed of any ready money or other property, on any condition expressed or implied to have the same returned to me, with intention to avoid paying the tax thereupon."

And if any person or persons shall refuse or neglect to give in a return as aforesaid, every such person or persons so refusing or neglecting shall for every such offense forfeit and pay a sum equal to the tax at which such persons shall be rated by this act, to be levied and collected by the collector of the proper township by virtue of a special warrant, which the commissioners of the city and proper county are hereby empowered and required to grant, and shall be paid into the treasury of this commonwealth.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any person shall neglect to make returns upon oath as aforesaid of all and every tract or parcel of land he or she shall possess within this state, to the township assessor of the place where such person shall dwell or reside so that the same cannot be taxed according to the true intent and meaning of this act; all such lands so omitted shall be liable and subject to pay all such taxes the next or any subsequent assessment, which the same lands ought to have paid had they been duly assessed as by this act is directed; and if any such tract or parcel of land so returned shall be situated out of the city or [county] where such person and township assessor shall dwell, then the commissioners of such city or county, or some one of them, shall, as soon as conveniently may be, transmit a copy of such return to the commissioners of the county where such land shall lie.

[Section IV.] (Section VII, P. L.) And be it enacted by the authority aforesaid, That the commissioners of the respective counties shall have power to appoint township assessors, in case of removal by death, disability, refusal or neglect, or where the townships neglect to elect.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That when the commissioners and county assessors shall receive the returns of the township, ward or district assessors, as before directed, they the said commissioners and county assessors shall forthwith proceed to quota their several townships, wards and district in the city of Philadelphia and several counties in proportion to the quantity and quality of the property returned as aforesaid.

[Section VI.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the city of Philadelphia and several counties, shall within six days after quoting the townships, wards and districts as aforesaid, furnish the assistant assessor of each township, ward or district, with a true and fair transcript of the quota or sum of money justly chargeable upon such township to which such assistant assessor doth belong.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the township, ward or district assessor of each township, ward or district within this state, with the assistance of two freeholders of the proper township, ward or district appointed by the commissioners and county assessors of the city and proper county, for that purpose, shall, within three days after the said assessor shall be come possessed of the quota or sum of money so assessed, levy and assess the same equally and impartially on all and every person, and on all the estates, real and personal, within their township and made taxable by this act.

[Section VIII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the following enumerated articles shall be and are hereby made taxable, and no other, viz.: the time of servitude of all bound servants above the age of fourteen years; all negro and mulatto slaves above the age of twelve years, all horses and mares above three years old; all horned cattle above three years old; ready money in hand, plate, pleasureable carriages, and all lands held by deed, warrant, location or improvement, houses and lots of ground, all grist-mills, saw-mills, fulling-mills, stilling-mills, hemp-mills, oil-mills, snuff-mills and paper-mills; all forges, furnaces, bloom-aries, distillaries, sugar houses, breweries, tan-yards, tanned

leather, ferries, and all wares and merchandise, and all professions, trades and occupations.

[Section IX.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That all and every the enumerated articles aforesaid shall be valued at and for so much as they would, bona fide sell for or are worth (ready money in hand excepted) and such a rate or rates levied and assessed thereon as will amount to the sum of money quoted upon the city of Philadelphia and the several counties, townships, wards and districts within this state.

[Section X.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That each single freeman not otherwise taxed by this act, who is of the age of twenty-one years and upwards, and has been out of his apprenticeship six months, shall pay a sum not exceeding thirty pounds, nor under five pounds; and that all trades, professions and occupations (ministers of the gospel of all denominations, and schoolmasters only excepted), shall be rated according to the discretion of the commissioners and assessors of the proper county, having due regard to the profits arising from them.

[Section XI.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That all ready money shall be liable to and pay three pence in the pound; and the sums arising from the tax upon money shall not be considered as part or included in the several quotas, but shall be considered as a separate fund for supplying deficiencies, if any be or may happen; anything in this act contained to the contrary in anywise notwithstanding, and shall be paid into the public treasury, to be hereafter disposed of by some future assembly.

[Section XII.] (Section XV, P. L.) And be it further enacted, That the state treasurer shall have for his trouble in receiving and paying the same, the sum of seven shillings and six pence for every hundred pounds; and the county treasurers shall have fifteen shillings for every hundred pounds and the said two freeholders in each township, ward or district in the state, shall have for their trouble and expense in performing the duties of this act required, the sum of sixteen dollars per day, and no more.

[Section XIII.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the commissioners and county assessors within the city and several counties in this state, and the assessors of the several townships, wards and districts of the city and several counties, shall have for their time and expense in performing the duties required of them by this act, as follows, viz.: the commissioners the sum of twenty dollars, the county assessors the sum of twenty dollars, the township assessors the sum of sixteen dollars per day and no more. And the collector of each township, ward or district, shall have for his trouble and expense in collecting the monies to be raised by virtue of this act, the sum of six pence for every pound.

(Section XVII, P. L.) And whereas sundry persons had let their houses and lands on long leases which are not yet expired, and have reserved rent thereon payable in current money, which by reason of the depreciation thereof are not in many cases sufficient to pay the taxes laid on the demised premises:

For remedy whereof:

[Section XIV.] (Section XVIII, P. L.) Be it enacted by the authority aforesaid, That in all cases where leases have been made of any lands or tenements before the first day of January, in the year of our Lord one thousand seven hundred and seventy-seven, which are not yet expired, and when the rent is payable in a sum of money, the tenant shall over and above the rent in the said lease reserved pay all public taxes which the leased premises shall be liable to pay during the continuance of such lease.

[Section XV.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the act for raising the supplies for the year one thousand seven hundred and seventy-nine, and every article, clause, matter and thing therein, except what is herein altered or supplied, shall be and is hereby declared [to be] and continue in full force and virtue, till all and every the sum and sums of money hereby imposed, shall be raised, levied, collected and paid.

Passed October 10, 1779. See the note to the Act of Assembly passed April 3, 1779, Chapter 840.

APPENDICES.



APPENDIX XXXIV.

SECTION I.

History of the Constitutional Convention of 1776.¹

SECTION II.

Proceedings of the Provincial Conference held at Carpenter's Hall from June 18, 1776, to June 26, 1776.

SECTION III.

Proceedings of the First Constitutional Convention of Pennsylvania, held at the State House, in Philadelphia, July 14, 1776, to September 28, 1776.

SECTION IV.

The First Constitution of Pennsylvania.

SECTION I.

HISTORY OF THE CONSTITUTIONAL CONVENTION OF 1776.

The Constitutional Convention of 1776 was the outgrowth of the dissension between the conservative and reactionary parties in Pennsylvania politics, which had existed in various forms for many years, and was brought to a climax by the movement for national independence.

This account of the Constitutional Convention of 1776 is an abridgement (by Artemus Stewart, Esq.), of an article by the late Paul Leicester Ford, entitled "The Adoption of the Pennsylvania Constitution of 1776," published in the *Political Science Quarterly*, Vol. 10, pp. 426-459. This article, so far as the editor has been able to discover, is the only modern publication dealing critically with the subject; and in several instances, where Mr. Ford's language did not admit of abridgement to any considerable degree, the article is here reproduced verbatim.

Under the association which was formed in opposition to the revenue laws of 1767, and which lasted for upwards of two years, committees were established not only in the capitals of every province, but also in most of the country towns and subordinate districts. These committees were not only kept up after that association was at an end, but were greatly revised, extended and reduced to system, so that when any intelligence of importance, of which it was deemed necessary to inform the people at large, reached the capital, it was at once sent to the county committees and by them forwarded to the committees of the districts, who disseminated it among the people. These committees were known as Committees of Correspondence.

When the news of the passage of the Boston Port Bill reached Pennsylvania, the reactionary, or "Popular" party, as it called itself saw in it an excellent opportunity of arousing the people of the province to the same resistance to the home government that had already manifested itself in the New England States and in Virginia, and while their first efforts to bring Pennsylvania into line with the other provinces did not bring about the results they desired, their next attempt was more successful. The project of holding a general congress was already being discussed, and the extreme Whigs saw in it their only hope. They, accordingly, called a mass meeting, which was attended by nearly 8,000 people, and at which resolutions declaring the Boston Port Bill unconstitutional were unanimously adopted. The meeting also voted an address to the Governor, asking him to convene the Assembly in order "to convince the pacific that it was not the intention of the warm spirits to involve the province in the dispute without the consent of the representatives of the people." To this address, the Governor replied "that he could not call the Assembly for the purposes mentioned, and that he was sure the gentlemen did not expect * * * that he would."¹

Upon the refusal of the Governor to convoke the Assembly, a call was issued to the county committees of correspondence throughout the province to name delegates to attend a "pro-

¹ Charles Thomson's Narrative. Stille's Life of Dickinson, 344.

vincial conference" in Philadelphia, on July 15, 1774. The Governor, realizing the mistake he had made, issued warrants, summoning the Assembly to meet on July 18th, using an Indian outbreak as an excuse, with the hope of forestalling the conference. The conference met, however, and adopted "instructions" to their representatives in the Assembly "requesting" them to appoint delegates to attend the congress of deputies from the several colonies; and it was announced that if the Assembly failed to accede the conference would name delegates itself. These instructions were laid before the Assembly on July 20th,¹ and while that body would not have appointed delegates but for the knowledge that the conference would name them if the Assembly failed to do so, they made the best of a bad business, and the Speaker, Joseph Galloway, appointed five of the Assembly's most conservative members as delegates, allowing but one delegate to the Popular party.²

This action, however, failed to satisfy the people, and at the annual election for the Assembly in October, eight of the old members were defeated by candidates of the Popular party. One of these successful candidates was John Dickinson, who had been kept out of the Assembly for years by Galloway's influence, and who was now, by a unanimous vote, added to the Pennsylvania delegation in congress. But in spite of its success at the polls, the Popular party still found itself unable to bend the Assembly to its wishes, and even when the enthusiasm was strongest, an attempt to obtain a vote of the Assembly to enforce the resolves of the Congress was found to be hopeless. The best that could be done was to secure the passage of a unanimous resolution "approving the proceedings of Congress."³

Being unable to obtain what they wished by regular methods, the Popular party again resorted to an extra-constitutional body. A "provincial convention" was summoned, which met in Philadelphia, on February 18th, 1775, and adopted a series of resolutions drawn up by Dickinson, which would seem to indicate what the Popular party had attempted to carry in

¹ Votes of Assembly, Vol. V, p. 519.

² Charles Thomson's Narrative. Stille's Life of Dickinson, 346.

³ Votes of Assembly, Vol. VI.

the Assembly, extolling the action of Congress and pledging support to the association that had been established, and while the conservatives had so far been able to check the Popular party from prevailing on the people to prepare for war with the mother country, a resolution was adopted looking to the manufacture or procurement of saltpetre and gunpowder as "largely as possible," the Indian trade being used as a pretext.¹

When the Assembly met on May 1st, 1775, the conflicts at Lexington and Concord had changed the complexion of affairs. The influence of the peaceful secretaries could no longer restrain the people. As soon as the collision between the royal troops and the colonial minute men became known, voluntary military "associations" for the defense of the colony and the "Liberties of America" were formed throughout Pennsylvania. The enthusiasm of the movement was enormous, and in three months 20,000 volunteers had enrolled themselves.

The Popular party, who regarded the Quakers and the Germans as Tories, or neutrals, saw in this military movement a weapon to be employed not only against Great Britain, but also against the believers in "non-resistance." A petition from the "Committee of the City and Liberties of Philadelphia" was presented to the Assembly, praying that the colony should be put in a state of self defense, and this was soon followed by another, begging that the associators should receive pay, and that the non-associators should be compelled to contribute to this expense, this suggestion being echoed in another petition from the officers of the associators. The Assembly, which dared neither to refuse nor to yield, hit upon the device of issuing bills of credit to pay the associators, and a bill for this purpose was passed, but was vetoed by the Governor. The Assembly then appointed a Committee of Safety, a body without the pretense of legality, and authorized it to issue bills of credit, giving it almost indefinite executive authority, and making it practically supreme through the control given it over the associators.² At the next meeting of the Assembly that body

¹ Votes of Assembly, Vol. VI, p. 552.

² Votes of Assembly, Vol. VI, p. 593.

was overwhelmed with petitions from the more warlike-minded of the citizens, urging the adoption of some measure which would oblige every inhabitant of the province to contribute with either his person or his property to the general cause. Counter petitions from the Quakers and Germans were promptly laid before the Assembly, the membership of which was still largely Quaker and German, and which was unquestionably opposed to enforced military duty, and to the support of an armed force by general taxation. Knowing this, the associators laid before the Assembly what purported to be a petition in answer to the Quaker and German memorials, but which were practically orders to the Assembly. As the associators now numbered 20,000 organized troops and there was no one to oppose them (except the sects bound by their faith to non-resistance), the Assembly, knowing that if it would not do what was demanded, some other body more complaisant would be found, gave way, and just before adjournment passed an act "for levying taxes on non-associators.

This, however, far from appeasing the associators, only encouraged them to more stringent demands, and when the Assembly met again in February, 1776, it was met with a storm of petitions and complaints, all tending to the relief of the associators and the imposition of heavier burdens on the non-associators, such as increased taxes, the disarmament of the non-associators and the taking of an oath for exemption from military duty. Added to these was an urgent demand from the outlying counties for an increase in the number of members of Assembly, and these demands were re-enforced by a petition from a "great number of the inhabitants of Philadelphia." A new apportionment, adding seventeen members to the Assembly, was promptly made and an election was ordered.

These radical measures, however, injured instead of advancing the popular cause. The extremists had hoped to gain control of the Assembly at the election for the additional assemblymen, which was held on May 1st, 1776, but their wish for national independence was now understood, and this deprived them of the assistance of many who had hitherto supported

them, so that, instead of gaining, they lost strength in the Assembly. They, therefore, turned for assistance to the Continental Congress and to the associators.

On May 6, or as soon as the result of the election was known, John Adams made a motion in Congress, that it be recommended to the several assemblies and conventions of these United Colonies, who have limited the powers of their delegates in this Congress by any express instructions, that they repeal or suspend those instructions for a certain time, that this Congress may have power, without any unnecessary obstruction or embarrassment, to concert, direct and order such further measures as may seem to them necessary for the defense and preservation, support and establishment of right and liberty in these colonies.¹

This resolution was at once referred to the committee of the whole, where, after a heated debate, it was negatived. Defeated in this, Adams and Lee framed another motion:

Whereas It appears absolutely irreconcilable in reason and good conscience for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the crown of Great Britain and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed and all the powers of government exerted under the authority of the people of the colonies for the preservation of internal peace, virtue and good order, as well as for the defence of their lives, liberties and properties against the hostile invasions and cruel depredations of their enemies; therefore,

Resolved, That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such government as shall, in the opinions of representatives of the people best conduce to the happiness and safety of their constituents in particular, and America in general.²

Though no one doubted the purpose of the motion, and it was

¹ Notes of John Adams, Vol. II, p. 489.

² Journals of Congress, May 15, 1776.

strongly protested against, as beyond the power of Congress, it was carried by a vote of seven colonies to four and was immediately published.

On February 28th, 1776, the committee of Philadelphia had voted to summon a convention to meet on April 2d, but on March 4th, by advice of the Committee of Correspondence, the call was "suspended for a few days." However, after the publication of the above resolution of Congress the project was renewed, and on May 16th a meeting attended by "a number of persons" concluded to call a convention with speed, and "to protest against the present assembly's doing any business in their house until the sense of the province was taken in the convention to be called." In order to effect these purposes, the meeting requested the "committee of inspection and observation of the city of Philadelphia" that "a general call be made of the inhabitants of the city and liberties in order to take the sense of the people." This request was agreed to, with only five dissenting voices, at the meeting of the committee held on May 18th.

The meeting thus called was held in the State House yard on May 20th, and was attended, according to one estimate, by four thousand people. At this meeting it was unanimously voted that the instructions of the Assembly to the delegates in Congress ought to be repealed; that the present Assembly was unfit to frame a new government; that that body had no right to execute the resolves of Congress; that the present government was not competent to the present conditions, and that a provincial convention ought to be chosen by the people. The meeting also adopted, with but one dissenting voice, the protest framed on the 18th of May, by which the meeting of the committee renounced and protested against the "authority and qualification of the Assembly." These resolutions, together with a "remonstrance" largely signed by the Quakers, was laid before the new Assembly on May 21st, 1776, the day after it met. That body at once appointed a committee of its most conservative members to prepare a memorial to Congress on its resolve of May 15th, which it was understood would protest against the power of Congress to interfere in the local govern-

ment, and would claim for the Assembly the sole right of framing a new government, if such should be found necessary. This committee reported a draft of a memorial to Congress on May 24th, which was referred to further consideration, but was never heard of again. Meanwhile, to forestall the effect of the intended memorial, the committee of inspection and observation of Philadelphia met and drew up an address to the Congress, in answer to the remonstrance "That was or is intended to be sent from the Assembly." This address was laid before Congress on May 25th, and was promptly tabled, though a copy was given to Robert Morris to lay before the Pennsylvania Assembly, which he did on May 28th.

The condition of the province, therefore, on June 1st, 1776, was as follows: The apparent government of Pennsylvania was a Committee of Safety and the Assembly, supported by a clear majority of the people, but a majority composed for the most part of non-resistants. Opposed to this government were the militant members of the city of Philadelphia and the outlying counties, with the associators, the galleys and a coming self-constituted convention of unknown potentialities to support them. And the old government could not well claim any superior right, legally or otherwise, over the new government that was looming up. Though the Assembly was the legitimate successor of ninety similar assemblies, it had broken the old charters by disregarding the Governor, by creating the Committee of Safety as an executive in his place, by discontinuing the oath necessary under the charter for its own legal existence, and by numerous minor infringements. It was, therefore, in no position to carry measures with a high hand, and not only did it drop the idea of memorializing Congress, but it made several concessions to the Popular party.

These concessions, however, were futile. On June 4th, the Congress, in an apparently harmless resolution concerning the appointment of some brigadier generals, directed that those from Pennsylvania and Maryland "be appointed by the respective colonies." The usual form hitherto had been that they be appointed by the "assemblies or conventions" of the respective colonies, and the omission of these words was practically

a refusal by Congress to recognize the Assembly as the legal government of Pennsylvania. This resolution was laid before the Assembly on June 5th, and that body at once surrendered to the Popular party by appointing a committee to report new instructions to the delegates in Congress. But the Popular party saw, in the continued existence of the Assembly a bar to their schemes for a convention and a new constitution, and, therefore, before the new instructions could be adopted by a formal vote, they took steps to destroy the Assembly, by withdrawing and thus leaving it without a quorum. On June 10th, when the Assembly met, but nineteen members were present. For a few days a varying number met only to adjourn. After four days, despairing of obtaining a working attendance, the thirty-five members present, on June 14th, voted (thirteen in the negative) the new instructions and a severe report on the captains of the galleys. But the Popular party was in no mood to allow the Assembly to retain even the semblance of power, and on the same day two protests, one from the "board of officers of the five battalions of Philadelphia," and the other from the "committee of privates of the military association," declaring practical independence of the Assembly, were laid before the latter. That body, after passing a resolve "that they are earnestly desirous of carrying into execution the resolutions of Congress * * * (but) despair after repeated disappointments of procuring a quorum," adjourned to August, thus yielding the field to the convention.

Meanwhile, as a preliminary to the convention there met in Philadelphia, on June 8th, a "provincial conference of committees," being delegates from each county committee of inspection. These committees, except that for Philadelphia county, were made up of the Popular party, and the members sent to the conference, of course, represented that faction. Promptly after reorganizing they resolved unanimously that the present government of Pennsylvania was "not competent," and that it was necessary that a convention should be called for the "express purpose" of framing a new one. Their next act was to throw open the franchise in favor of their own party by voting that in the coming elections every associator of twenty-

one years of age, who had been one year in the colony and had paid or been rated for taxes, should be entitled to vote, at the same time narrowing the franchise for their opponents by resolving "that every person entitled to vote for representatives" should be equally entitled to vote for members of the convention, provided "he should take the following test, or oath of affirmation:"

I, _____, do declare that I do not hold myself bound to bear allegiance to George the Third, King of Great Britain, etc., and that I will not by any means, directly or indirectly, oppose the establishment of a free government in this province by the convention now to be chosen, nor the measures adopted by the Congress against the tyranny to be established in these colonies by the court of Great Britain.

Such an oath practically disfranchised every Quaker in the colony, as well as all who still held allegiance to George III, or to the Penn charter, and deducting these three classes from the conservatives was almost equivalent to disfranchising that party. But, as if this were not sufficiently certain, the conference next voted that all members of the convention, before taking their seats, should forswear allegiance to the English king, swear to promote the most effectual means to establish a government in the province "on the authority of the people alone," and should declare their belief in the Trinity and in the Divine inspiration of the Scriptures. July 8 was set for the election of the delegates, and after some wrangling over the basis of representation the other details were arranged.

The convention having been arranged for, the conference next turned to the present affairs of the colony. They first passed a resolution that the convention when met should choose a new Committee of Safety and new delegates to the Continental Congress. They then took up the resolutions of the Congress, which the Assembly had declared themselves unable to act upon, and recommended the "committee and associators" to execute them, thus striking another blow at the already toppling Committee of Safety. Even more important was the action of the conference on June 24th in passing a unanimous declaration of their "willingness to concur in a vote of the

Congress declaring the united colonies free and independent states." Then, on June 25th, the conference dissolved.

On July 8th the elections for the members of the Convention were held. In no case did the conservatives attempt either to vote or to stand for membership, and the nominees of the Popular party, most of whom had been agreed upon at previous meetings, were elected without opposition. Seven days later, on July 15th, the convention met and organized, with Franklin as President.

Instead of proceeding at once to the framing of a constitution, the convention, though called for the "express purpose," first set itself to regulating the affairs of the colony, as if both an executive and legislative body. After taking the oath of office, the convention began to give orders concerning munitions of war, the movements of associators and, finally, for a disarmament of non-associators. Two days after its first assembling, it went even further, by appointing a committee to draw an ordinance for the latter purpose, and this was quickly followed by the appointment of similar committees to frame ordinances concerning treason, prisoners, counterfeiting, courts and other matters. Laws limiting freedom of speech and of the press, making state and continental currency a legal tender, regulating the prices of goods and providing for a general jail delivery were quickly enacted. Determined that nothing of the old government should remain, a new and radical Council of Safety was appointed, and a new delegation to Congress named, though the term of the delegation then holding office did not expire for over three months. The new delegation took their seats without opposition, July 20th, and on the 22d the new Council of Safety met. The last vestige of the old government, except the adjourned and scattered Assembly and a governor disregarded by all, was destroyed. The conservatives offered no opposition, and the Popular party seemed to have grasped all the governmental powers of the community.

These manifold occupations naturally delayed the drafting of a new constitution, if, indeed, the convention did not purposely prolong the work so as to retain the powers it had grasped. A new constitution would mean a new election, and

the extremists very well knew that this would mean a defeat for their party. So greatly did they dread an appeal to the voters, that they even adopted a resolution continuing the old Committee of Inspection and Observation for the City of Philadelphia in office beyond the annual election day, for fear of defeat in what had hitherto been the stronghold of the Popular Party. It was openly charged that the convention had no intention of adjourning, but having obtained a firm seat in the saddle, was resolved to maintain its position.

Events, however, were not working favorably for such a purpose. The movements of the British forces at New York caused the need of the Pennsylvania Associators at that place, and the convention, being the government *de facto*, was called upon by Congress to order them there. Such an order was naturally unpopular, for it was the middle of the farming season, and calling the men from the fields caused grumbling in the force which was the mainstay of the Popular party, while, at the same time, by their departure, the conservatives were left everywhere in relatively great preponderance, and were freed from the restraint which resulted from the presence of troops. Refusals to obey the orders of the Convention and the Council of Safety begun to multiply. Persons declined tenders of paper money, and sold goods at their own prices. Desertions from the associators became numerous. Some companies and individuals refused to march to Washington's assistance, on the ground that they would not bear the burdens of service while the non-associators remained tranquilly at home. To meet this reasoning, an ordinance was passed taxing every non-associator twenty shillings per month, and four shillings in the pound on his ratables. But before this became a law the American forces had been defeated on Long Island, and New York city was in the hands of the British. Those who chose, therefore, declined to pay these taxes. The officers of the galleys refused to obey the commodore whom the Council of Safety had appointed, and though the Council published an address upholding the commodore and blaming the "dangerous spirit of licentiousness" displayed in the mutiny, it nevertheless had to give way and name a new commander

A serious riot took place in Philadelphia. Three battalions of the associators mutinied and returned to the city. Others refused to embody and march. The opposers of independence and the convention spoke openly against both. So marked was the reaction that the old Assembly, which had tried to meet in August according to its adjournment but had failed to obtain a quorum, now (September 26th) again gathered, and though still without a quorum proceeded to transact business. It declared that the convention possessed no right to pass ordinances and recommended a refusal to obey them. Further, a year's salary was voted to the governor, thus indicating an intention to keep in existence all the machinery of the old government.

These various events decisively indicated to the convention that it could no longer remain the government *de facto* of the state, and it, therefore, hastened to frame a constitution. Had it possessed a membership open to concession and compromise, there seems little doubt that a frame of government could have been adopted that would have united the people, for there is good evidence that the conservatives had, in July, acquiesced in the movement for a new government, or rather that the party had split, and that, while many of the Quakers still clung to the old charter, the larger portion of the party, under the leadership of Dickinson, Reed, Morris and other moderate Whigs, had become convinced that the former government was ended, and were only seeking to obtain the best possible in its stead. In the middle of July Dickinson himself printed an *Essay of a Frame of Government for Pennsylvania*, and when the convention ordered its draft of a Bill of Rights printed "for consideration," a copy was given to Dickinson, and certain alterations that he made in it were accepted by the convention.

The controlling spirits of the convention, however, were too extreme and radical to understand that democratic government must consist of compromises. They saw in the opportunity to frame a new constitution a chance to retain control in their own hands, and in an endeavor to realize this they produced a most interesting result. That the government

would be democratic was assured not merely by the extreme democracy of the old charter, but also by the personnel of the convention. But no constitution yet framed had ever made such great strides toward popular government. The one-chamber legislature and the annual election were hardly the work of the convention, for they were merely transferred from the Penn charter; having yielded such admirable results in the past, it is not strange that they were grafted into the new instrument. But great departures were made in other respects. All the freemen were constituted as a militia, with the right to elect their own officers. The qualifications for the electoral franchise were such as practically to establish manhood suffrage. Sessions of the Assembly were made public, and its proceedings ordered printed weekly. All bills were to be "printed for the consideration of the people" before they went to a third reading, and, except on "occasion of a sudden necessity," no bill was to become law till the session of the Assembly after that in which it originated, thus practically establishing a referendum. Apportionment of representation was made dependent on "taxable inhabitants." The council was elective by the people, as was much of the judiciary. Judges' commissions were limited to seven years. Imprisonment for debt was abolished. Citizenship was granted on one year's residence. Public schools were ordered established. A septennial council of censors was created, with power to examine all infringements of the constitution and to call a convention to revise it. Only by a study of the other constitutions adopted at that time can the radical character of these provisions be properly understood.

How far the constitution framed by the convention would have met with opposition on its own merits cannot be known. Although the vote of the convention "to pass and confirm" was declared to have been unanimous, there is conclusive evidence to show that a dissenting party existed, and, if the statement of the journal is correct, the explanation must be that the dissentients withdrew before the final vote. But the opposition was caused not so much by the constitution itself as by the endeavor of the extremists in the convention to prevent a fair

election by requiring, as a preliminary to voting, not merely an oath of allegiance, but also an oath embodying a pledge not to do, "directly or indirectly, * * * any acts or thing prejudicial or injurious to the constitution or government * * * as established by the convention." By this requirement, with a like oath from all officers before taking office, the extremists designed to disfranchise and disqualify for office the larger part of their opponents.

On this question of the oaths, then, on certain clauses in the constitution, and on the ordinance to tax non-associators, the convention was divided. The extreme party carried out their policy, and the more moderate section, after resisting, withdrew before the final vote. When, therefore, the convention adopted the constitution, and adjourned, September 28th, 1776, a marked shifting of political lines occurred by a coalition of the dissentients with the conservative party. The extremists, already hitherto in the minority, were by this change reduced to apparent insignificance as a political force. Arrayed against them were all the Quakers, the Germans, the moderates, and even a large part of the associators, led by Dickinson, Mifflin and Morris, of the old party, and by Bayard and McKean, who had hitherto been most active with the extremists. The test oath was, therefore, the only hope of the Popular party, or "constitutionalists," as they were promptly named, in the approaching election for an Assembly under the new constitution.

The constitution was greeted with an almost universal protest. The papers were filled with attacks upon it, and resolutions opposing it were adopted in many public meetings. The most important of these meetings was held at Philadelphia, October 21st. On this occasion, fifteen hundred people were estimated to have been present, and after a discussion by speakers both for and against the new government, the assemblage adopted, by a "large majority," a series of resolutions which we may take to represent the wishes of the Whig opposers of the constitution. These recognized the coming election as legal, but declared that no oaths must be administered either to electors or elected, that no councilors should be chosen, that the Assembly elected must have full power to amend the consti-

tution, as well as to pass such ordinances as occasion required, and, finally, that the constitution so amended should be submitted to the vote of the people. To carry out these resolves committees were appointed by the meeting to secure support for them in every county of the state. .

The election was held November 5th. Unquestionably the Quakers refused to vote, and a large class of conservatives seem to have done the same. The contest, was, therefore, one between the constitutionalists and the moderate Whigs. Owing to this shifting of party lines, the exact results are difficult to obtain. Of the seventy-two assemblymen elected only twenty-five had been members of the convention, and some of these had unquestionably become opposers of the constitution. From some counties not an extremist was elected. In Philadelphia all the anti-constitution nominees were elected by majorities of over one hundred in total votes of about seven hundred. On the question, "No Councilors," in which the personal element could play no part, the vote stood 406 to 211. Equally sweeping was the victory in Philadelphia county. Had the Quakers and ultra-conservatives voted, it is to be questioned if the constitutionalists could have carried a single nominee east of the Susquehanna river.

The effect of the election was quickly shown in the call for a public meeting in Philadelphia on November 8th for the purpose of instruction the representatives of the city. The instructions adopted directed them to "prevent the immediate execution" of a constitution "which destroys the great objects of equal liberty and free government," and to secure its amendment by dividing the legislative department, giving judges a tenure during good behavior, abolishing the council of censors, and doing away with the obnoxious test oaths. When, therefore, the Assembly gathered for the session to begin November 28th, Dickinson, who had been chosen a member, submitted to the opposition an informal proposition for a program:

We will consent to the choice of a speaker, to sit with the other members, and to pass such acts as the emergency of public affairs may require, provided that the other members will agree to call a free convention for a full and fair representation

of the freemen of Pennsylvania, to meet on or before the —— day of January next, for the purpose of revising the constitution formed for the late convention, and making such alterations and amendments therein as shall by them be thought proper, and making such ordinances as the circumstances of affairs may render necessary; provided, also, that no part of the said constitution be carried into execution by this Assembly, and provided that this Assembly shall be dissolved before the day to be appointed for the meeting of the convention.

The outcome of this proposition may be told in Dickinson's own words:

This proposal was rejected. The behavior of some persons on that day, and the disagreeable circumstance of entering into contests scarcely to be avoided with gentlemen I had for a long time esteemed, added to what had passed before, induced me to decline any further opposition to the constitution, and I retired from the Assembly.

Dickinson's withdrawal was imitated by others. The Assembly had barely organized when it found itself without a quorum. The moderate Whigs had taken a leaf from the book of the extremists, and were using the same means to end the present Assembly that had been formerly employed to end that under the old charter. While the British, under Howe, were sweeping across New Jersey, with Philadelphia as their evident goal, the Assembly met day after day only to remain helpless and inactive. Finally, the paralysis of all government in the state compelled the Continental Congress to interfere. The city was declared under martial law, and General Putnam was put in command. Word also was also sent to the Assembly that "if they did not agree to act," the Continental Congress "would take the government of Pennsylvania into their hands." This marked the abandonment for the time of opposition to the constitution. Some absenting members returned to the Assembly; others resigned their seats, and their places were filled at special elections, at which councilors were also appointed. Early in March, 1777, the government completed its organization. Yet it was never recognized by the larger part of the people, though the leaders of the opposition, from public spirit,

laid aside their personal dislike and later in the war held office under it. But opposition never ceased till a new convention was voted in 1789, and the struggles of the two parties during the interverning period rent the people into bitterly hostile factions and paralyzed all public spirit and exertions.

SECTION II.

PROCEEDINGS OF THE PROVINCIAL CONFERENCE HELD AT CARPENTER'S HALL FROM JUNE 18, 1776, to JUNE 26, 1776.

Philadelphia, Tuesday, June 18, 1776.

This day a number of gentlemen met at Carpenter's Hall, in Philadelphia, being deputed by the committees of several of the counties of this province, to join in provincial conference in consequence of a circular letter from the committee of the city and liberties of Philadelphia, inclosing the resolution of the Continental Congress of the 15th of May last.

Col. McKean, as chairman of the city committee, declared the motives which had induced that committee to propose the holding of the present conference, and then laid on the table a certificate of deputies appointed to attend on the part of said committee.

Returns were also given in from the counties of Philadelphia, Bucks, Chester, Lancaster, Berks, Northampton, York, Cumberland, Bedford and Westmoreland, by the deputies of said counties, by which it appeared the following gentlemen were appointed, viz.:

For the Committee of the City, &c., of Philadelphia.

Dr. Benjamin Franklin,*	Capt. Joseph Moulder,
Col. Thomas M'Kean,	Mr. William Lowman,
Mr. Christopher Marshall, Sen.,	Dr. Benjamin Rush,
Major John Bayard,	Mr. Christopher Ludwig,
Col. Timothy Matlack,	Mr. James Milligan,
Col. Joseph Dean,	Mr. Jacob Schriner,
Capt. Francis Gurney,	Capt. Sharp Delaney ,
Major William Coates,	Major John Cox,
Mr. George Schlosser,	Capt. Benjamin Loxley,

◀Capt. Jonathan B. Smith,	Capt. Samuel Brewster,
◀Capt. George Goodwin,	Capt. Joseph Blewer,
◀Mr. Jacob Barge,	Mr. William Robinson.
◀Mr. Samuel C. Morris,	

All the members attended except those marked with an *.

For the Committee of Philadelphia County.

◀Col. Henry Hill,	Major James Potts,*
◀Col. Robert Lewis,	Major Robert Loller,
Dr. Enoch Edwards,	Mr. Joseph Mather,
◀Col. William Hamilton,*	Mr. Matthew Brooks,
Col. John Bull,	Mr. Edward Bartholomew.*
Col. Frederick Antis,	

For the Committee of Bucks County.

John Kidd, Esq.,	Mr. James Wallace,
Major Henry Wynkoop,	Col. Joseph Hart.
Mr. Benjamin Segle,	

For the Committee of Chester County.

Col. Richard Thomas,	Col. William Montgomery,
Major William Evans,	Col. Hugh Lloyd,
Col. Thomas Hockley,	Richard Reiley, Esq.,
Major Caleb Davis,	Col. Evan Evans,
Elisha Price, Esq.,	Col. Lewis Grono,
Mr. Samuel Fairlamb,	Major Sketchley Morton.
Capt. Thomas Levis,	

For the Committee of Lancaster County.

◀William Atlee, Esq.,	Capt. Andrew Graaf,
Mr. Lodowick Lowman,	Mr. William Brown,
Col. Bartram Galbraith,	Mr. John Smiley,
Col. Alexander Lowrey,	Major James Cunningham.
Major David Jenkins,	

For the Committee of Berks County.

Col. Jacob Morgan,	Col. Daniel Hunter,
Col. Henry Haller,	Col. Valentine Eakerd,
Col. Mark Bird,	Col. Nicholas Lutz,
Mr. Bodo Otto,	Capt. Joseph Hiester,
Mr. Benjamin Spiker,	Mr. Charles Shoemaker.

For the Committee of Northampton County.

Robert Levers, Esq.,	Nicholas Depue, Esq.,
Col. Neigal Gray,	Mr. David Deshler,
John Weitzel, Esq.,	Mr. Benjamin Dupue.

For the Committee of York County.

Col. James Smith,	Col. William Rankin,
Col. Robert M'Pherson,	Col. Henry Slagle,
Col. Richard M'Allister,	Mr. James Edgar,
Col. David Kennedy,	Mr. John Hay.*
Capt. Joseph Reed,	

For the Committee of Cumberland County.

Mr. James M'Lane,	Dr. John Colhoon,
Col. John Allison,*	Mr. John Creigh,
John M'Clay, Esq.,	Mr. Hugh M'Cormick,
William Elliot, Esq.,	Mr. John Harris,
Col. William Clark,	Mr. Hugh Alexander.

For the Committee of Bedford County.

Col. David Espy,	Col. John Piper.
Samuel Davidson, Esq.,	

For the Committee of Westmoreland County.

Mr. Edward Cook,	Mr. James Perry.
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A quorum of the members from the above counties being met, except that only two appeared from Chester county, proceeded to the choice of a president, vice-president, and two secretaries, and Col. Thomas M'Kean was chosen president; Col. Joseph Hart, vice-president; Johnathan B. Smith, Samuel C. Morris, secretaries.

Then the conference adjourned to three o'clock P. M.

June 18, 1776, 3 o'clock P. M.

The conference met, present as above, and adjourned to nine o'clock to-morrow morning.

Wednesday, June 19, 1776.

The conference met, present 12 committees, 97 members. A return was delivered at the table from Northumberland, and the deputies attended, being Col. William Cook, Alexander Hunter, Esq., Messieurs John Weitzel, Robert Martin, Matthew Brown, as did those also from Chester.

On motion, it was resolved unanimously, That in taking the sense of this conference on any question which may come before them, the city and counties respectively have only one vote.

On motion, it was ordered, That the resolution of the Continental Congress of 15th May last, recommending the total suppression of all authority under the King of Great Britain, &c., be read, and it was read accordingly, and is in the words following, viz.:

In Congress, May 15, 1776.

Whereas, His Britannic Majesty, in conjunction with the lords and commons of Great Britain, has, by a late act of parliament, excluded the inhabitants of these united colonies from the protection of his crown. And Whereas, No answer whatever to the humble petitions of the colonies for redress of grievances and reconciliation with Great Britain has been, or is likely to be given, but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these colonies. And Whereas, It appears absolutely irreconcilable to reason and good conscience, for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the crown of Great Britain; and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted under the authority of the people of the colonies for the preservation of internal peace, virtue and good order, as well as for the defence of

their lives, liberties and properties, against the hostile invasions and cruel depredations of their enemies; therefore,

Resolved, That it be recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs has been hitherto established to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.

By order of the Congress.

JOHN HANCOCK,
President.

By special order the same was read a second time, and after mature consideration,

Resolved, unanimously, That the said resolution of Congress of the 15th of May last, it fully approved by this conference.

On motion, Resolved, unanimously, That the present government of this province is not competent to the exigencies of our affairs.

On motion, Resolved, unanimously, That it is necessary that a provincial convention be called by this conference for the express purpose of forming a new government in this province on the authority of the people only.

Resolved, unanimously, That a committee be appointed to ascertain the number of members of which the convention ought to consist and the proportion of representatives for the city and each county, and that two members from the city and each county, be appointed on said committee, except from Westmoreland, which can furnish but one, and the following gentlemen are appointed, viz.: Messieurs Bayard, Bull, Kidd, Davis, Atlee, Bird, Matlack, Mather, Hart, Levis, Cunningham, Haller, Gray, Smith, McClean, Espey, Weitzell, Cook, Levers, McAlister, Creigh, Piper, Hunter.

Resolved, That the committee now appointed be instructed to fix upon some number, not less than ninety, nor more than one hundred and ten, for the whole province. Then the conference adjourned to half after three o'clock P. M.

June 19, P. M.

The conference met.

A petition from the German associators of the city and liberties of Philadelphia was read, praying that all associators who are taxables may be entitled to vote. Ordered to lie on the table for perusal of the members.

On motion, Resolved, unanimously, That this conference will now enter into a consideration of the qualifications of electors and of persons who may be elected.

Resolved, unanimously, That this conference will immediately resolve into a committee of the whole to enter upon said consideration.

The president left the chair.

The president resumed the chair.

Col. Hart reported from the committee of the whole that they had come into two resolutions, which he was ready to report when the conference would receive them.

Ordered, That they be received forthwith. Then the said resolutions being read and considered were agreed to by the conference without one dissenting voice and are as follows, viz.:

Resolved, That every associator in the province shall be admitted to a vote for members of the convention in the city or county in which he resides, provided such associator be of the age of twenty-one years and shall have lived one year in this province immediately preceding the election, and shall have contributed at any time before the passing of this resolve to the payment of either provincial or county taxes, or shall have been rated or assessed towards the same.

Resolved, That every person, qualified by the laws of this province to vote for representatives in Assembly shall be admitted to vote for members of the intended convention, provided he shall first take the following test, on oath or affirmation, if thereunto required by any one of the judges or inspectors of the election who are hereby impowered to administer the same:

"I, _____, do declare that I do not hold myself bound to bear allegiance to George the Third, King of Great Britain, &c., and that I will not, by any means, directly or in-

directly, oppose the establishment of a free government in this province by the convention now to be chosen, nor the measures adopted by the Congress against the tyranny attempted to be established in these colonies by the Court of Great Britain."

Ordered, That the committee of the whole have leave to sit this afternoon at three o'clock.

Then the conference adjourned to three o'clock this afternoon.

June 20, 1776, P. M.

The conference met.

On motion, Resolved, unanimously, That whereas the county of Westmoreland hath been exempted from the payment of taxes for three years last past, and thereby many persons may be excluded from a vote at the ensuing election in consequence of the foregoing regulations contrary to the intention thereof, therefore every person of twenty-one years of age, being a free man residing in said county, shall be admitted to vote, he being an associator and having lived one year in this province next preceding the election, and taking the test aforesaid, if thereunto required.

Resolved, unanimously, That the election shall be made by ballot in the manner heretofore used in this province at the general elections.

Resolved, unanimously, That no person who has been published by any committee of inspection, or the committee of safety in this province, as an enemy to the liberties of America, and has not been restored to the favor of his country shall be permitted to vote at the election of members for said convention.

The conference then adjourned to eight o'clock to-morrow A. M.

Friday, June 21, 1776.

The conference met.

On motion, Resolved, unanimously, That every voter, at the proposed election, shall be a free man, and if thereunto required

tion, and to fix a day for the meeting of the representatives of the people so chosen.

A memorial from the patriotic society of the city of Philadelphia was delivered at the table by a committee from said society, and read by their clerk on special request.

Ordered to lie on the table for the perusal of the members.

The conference adjourned to three o'clock P. M.

June 21, 1776, P. M.

The conference met.

The committee appointed to ascertain the number and proportion of members to represent the province, and each particular city and county in convention, made their report in the words following, viz.:

The committee appointed for, &c., report, that your committee, having conferred together, and endeavored to obtain the best intelligence that can be had, find that full information respecting the number of taxables in each county cannot now be had; and, therefore, cannot be adopted as a rule in fixing the number of representatives for the city and counties respectively; your committee, however, are satisfied that the number of taxables in the counties respectively does not differ so much as to make it of any probable disadvantage to allow an equal representation from each county, especially as the convention will probably vote by city and counties (as in the preceding conventions), upon the questions which shall come before them.

We, therefore, recommend that it be resolved that eight representatives be sent by the city of Philadelphia, and eight by each county in the province, to the convention. On motion, that the inhabitants of the city be divided from the county of Philadelphia, and that they be not admitted to vote, or be voted for, in the election of the county members for the convention.

It was moved that the previous question be put, viz.: Whether this question shall now be put?

And it was put accordingly and carried in the negative.

Resolved, That this conference approve of the report of the committee.

The conference the adjourned to eight o'clock to-morrow A. M.

Saturday, June 22, 1776, A. M.

The conference met.

On motion, Resolved, unanimously, That the determinations of this conference on the representation of the city and of the county of Philadelphia shall not be drawn into precedent in the future.

An address from the committee of privates of the association of the city and liberties of Philadelphia, was delivered in and read, praying this conference to take into their consideration divers matters relating to the present state of this province.

Ordered to lie on the table for the persual of the members.

On motion, ordered, That the petitions and addresses from the commanders of the row gallies, the patriotic society and the committee of privates of the association of the city and liberties of Philadelphia be read a second time, and they were read accordingly.

A paper, being a copy of a minute from the proceedings of the committee of safety of this province, was read, and is in the words following, viz.:

In Congress, June 20th, 1776.

Robert Morris, one of the delegates from the province of Pennsylvania, reminded the Congress that the Assembly of said province had adjourned on the 14th inst., without having been able to carry into execution the resolves of Congress of the 3d inst., for raising 6,000 militia for establishing a flying camp. And then informed the Congress that their said resolve not being directed in terms to the committee of safety, but addressed to the colony, the said committee were in doubt whether it would be expected from them to execute said resolve, as they are, in recess of Assembly, the executive body of this

province. He also alleged that if the Congress expected the committee to proceed in this business, it would be necessary or advisable that they should recommend it expressly to them, for under the present circumstances of the province he much doubted if they would be obeyed unless so authorized, and added that if the Congress did not see proper to take further order in this matter, he hoped the committee of safety would always be held blameless, as they now gave Congress this necessary information for the express purpose of having an explicit declaration, if they were expected to act in this important business, which they were ready to undertake if so desired. This application was made by Mr. Morris, by order of the committee of safety, and after a debate of a considerable length, and two motions made and seconded, one was withdrawn, the other determined in the negative; in consequence whereof I have made this memorandum immediately in the spot to appear when it may be necessary, and to prevent blame being cast where it is not merited.

R. MORRIS.

The above is a true state.

Joseph Hewes,
E. Rutledge,
T. Hope.

Resolved, unanimously, That the consideration of the said petitions and paper be referred to the afternoon.

The conference then adjourned to three o'clock P. M.

June 22, 1776, P. M.

The conference met.

The committee appointed yesterday to consider of the proper time, place and manner of regulating the ensuing election, and to fix a day for the meeting of the representatives so chosen, made their report.

On motion, Resolved, That this conference will take into consideration the propriety of dividing all or any of the coun-

ties into several districts in which the election shall be held, when the said report shall be considered.

On motion, The said report being read a second time, by paragraphs, was, by order, recommitted.

The conference then adjourned to eight o'clock to-morrow.

Sunday, June 23, 1776.

The conference met.

The committee appointed to consider of the proper time, &c., of holding the election, delivered their report at the table, which, being read by order, was unanimously agreed to by the house, and is in the words following, viz.:

The committee appointed to consider of the proper time, place and manner of holding an election for members of convention, and the time of the meeting of the persons so chosen, report as followeth: That they appoint Monday, the 8th day of July, next, for electing said members; that the several counties proceed to choose their respective members at the following places, viz.:

For the city and county of Philadelphia, the counties of Bucks, Berks and Bedford, at the usual places of election.

Chester county to be divided into three districts, that is to say:

Chester, Upper Chichester, Lower Chichester, Bethel, Ashton, Concord, Middleton, Thornbury, Birmingham, Nether Providence, Upper Providence, Ridley, Marple, Springfield, Darby, Haverford, Newtown, Edgemont and Willistown, being the first district, to be held at Chester.

The second district, London Grove, East and West Marlborough, Kennet, Pennsbury, New Lynn, New Garden, London-Britain, New London, Londonderry, East and West Nottingham, Oxford, East Fallowfield, West Fallowfield, Sadsbury and West Caln, to be held at Chatham, commonly called the Half-Way House.

The third district, East and West Fallowfield, East and West

Bradford, Charlestown, Tredyffren, Uwchland, Pikeland, Coventry, East and West Nantmill, Goshen, Vincent, Radnor, to be held at the White Horse.

York county to be divided into five districts, viz:

The first Yorktown, the townships of York, Manchester, Codorus, Shrewsbury, Windsor and Hellam, to be held at the court house in Yorktown.

The second district, Cumberland, Hamilton's Ban. Streban, Mountjoy, Menallen and Tyrone, to be held at the house of Samuel Gaddis.

The third district, Heidelberg, Berwick, Mountpleasant, Mannheim, Paradise and Germany, to be held at Hanover town.

The fourth division, Fawn, Hopewell and Chanceford, to be held at Nicholson's mill.

The fifth division, Dover, Newberry, Warrington, Mannahan, Huntingdon and Reading, to be held at the house of Robert Stevenson.

Northampton county to be divided into four districts:

The first, Easton, William, Lower Saucon, Bethlehem, Forks, Mount Bethel, Plainfield, to be held at Easton.

The second district, Northampton, Saltsberg, Upper Saucon, Upper Milford, Maccongy, Weisenberg, Lynn, Whitehall, Heidelberg, to be held at Allen's town.

The third district, Allen, Moore, Chestnuthill, Towamensing, Penn, Lehigh, to be held at Peter Anthony's.

The fourth district, Hamilton, Lower Smithfield, Delaware, Upper Smithfield, to be held at Nicholas Dupue's.

Cumberland county to be divided into three districts, viz.:

The first and third divisions, Carlisle, East Pennsborough, Allen, Middleton, West Pennsborough, Newton, Hopewell, to be held at Carlisle.

The second and fifth divisions, Antrim, Peters, Guilford, Hamilton, Thannet, Lurgan, Letterkenny, to be held at Chambersburg.

The fourth division, Tyrone, Toboyne, Rye, Milford, Greenwood, Armagh, Lech, Derry, Fermanaugh, to be held at Robert Campbell's, in Tuscarora.

Northumberland county, to be held at George McCadlish's, in Turbert township.

Westmoreland county, to be divided into two divisions, that on the south side of Youghagena river, at Spark's fort, and northern district at Hannah's town.

The county of Lancaster, to be divided into six districts, viz:

In the first, the borough of Lancaster, Lancaster township, Leacock, Warwick, Manheim, Hempfield, Manor, Conestoga, Lampeter, to be held at the court-house in the borough of Lancaster.

The second division, Little Britain, Drummore, Bart, Cole-raine, Martick, Strasburgh and Sadsbury, to be held at James Porter's, Jun.

The third division, Derry, Londonderry, Ralpho, Donegall, Mountjoy, to be held at Elizabeth Town.

The fourth division, Salisbury, Carnarvon, Brecknock, Earl, Cocalico, to be held at New Holland.

The fifth division, Elizabeth, Heidelberg, Bethel, Lebanon, East Hanover, to be held at Lebanon town.

The sixth division, West Hanover, Paxton, Upper Paxton, to be held at Garber's Mill.

And that the electors of every borough, ward or township, in each of the counties, shall meet on Saturday, the 6th of July next, between the hours of two and six o'clock in the afternoon, and choose inspectors to receive the votes from the electors of their boroughs, wards or townships, respectively. The place for said electors to be advertised by the county committee, who shall also superintend such elections and make returns of the inspectors, chosen to the judges of the general election. And if any district shall neglect to choose inspectors as aforesaid, in such case the judges of the election shall appoint inspectors for those who so neglect on the morning of the day of the general election; and that each of the said inspectors, on the day of the general election, shall, before he proceeds to take or receive any votes, take the following oath or affirmation, viz.:

"I, A. B., do declare that I will duly attend the ensuing election during the continuance thereof, and will truly and

faithfully assist the judges of said election to prevent all frauds and deceits whatever of electors or others in carrying on the same, and in causing the poll or votes at such election to be marked off on the respective lists, and fairly cast up," which oath or affirmation to be administered by any one of the judges.

And the deputies from the city of Philadelphia, and from each county, shall nominate and appoint three discreet and able members of their respective committees residing within the several districts, to be judges of the general election within said districts; which said judges, together with the inspectors, shall appoint clerks for taking the polls at the said election, and the said judges and clerks shall respectively take the same oath or affirmation as is required to be taken by the inspectors, which shall be administered by any one of the judges to the others, they being hereby authorized and appointed to administer the same.

And that the commissioners of the city and counties in this province, when required, shall deliver unto the judges of said election, true duplicates of all the taxables in the several districts of their respective counties. And that the judges aforesaid shall, and are hereby empowered and required to act in all cases respecting said elections in the room and places of sheriffs, until the same are finished; and when the polls are closed and the votes counted off, or cast up, in the several districts of such counties as are divided as aforesaid, the judges and inspectors shall cause certified accounts thereof to be taken by some of them, to their respective county towns, on the next day, and of the names of the persons chosen in the several districts, with the number of votes for each candidate; which when compared and added together, the eight highest number shall be the persons to represent such county in convention; and, also, that the judges, or any two of them, for the city and counties respectively, shall certify from under their hands and seals to the convention, on the day appointed for the meeting as aforesaid, a true list or certificate of the names of the members so chosen in the city and counties respectively, together with the number of votes for each of them. And the captains or commanding officer of each company in the several

battalions of this province, are hereby required to furnish complete lists of their companies to the judges and inspectors of the several districts, on the morning of the election. Which persons so chosen to be members of the convention shall meet at Philadelphia, on Monday, the 15th day of July next, in convention aforesaid.

Ordered, That the following gentlemen be appointed to be judges of the election in the counties and in the respective districts, viz:

City, &c., of Philadelphia.

Samuel Massey,
Frederick Kuhl,
Thomas Cuthbert.

County of Philadelphia.

William Coates,
Frederick Antis,
Robert Lollar.

Bucks County.

At Newtown:

Henry Wynkoop,
James Wallace,
Joseph Hart.

Chester County.

First Division, at Chester:

Hugh Lloyd,
Thomas Levis,
Mark Wilcox.

Second Division, at Chatham:

John McKay,
Joseph Gardiner,
Thomas Welsh.

Third Division, at the White Horse:

Richard Thomas,
Lewis Grono,
Thomas Bull.

Berks County, at Reading.

Valentine Eakerd,
Jacob Morgan,
Daniel Hunter.

Lancaster County.**First Division at the Borough:**

William Bowsman,
H. Dehuff,
Jacob Erb.

Sec. Div., at James Porter's, Jun.:

Richard Ferree,
John M'Mullen,
Robert Tweed.

Third Div., at Elizabeth-Town:

Daniel Elliot,
Robert Clark,
Jacob Haldiman.

Fourth Division, at Lebanon:

Casper Kuhn,
Jacob Eckart,
Philip Greenawalt.

Fifth Division, at New Holland:


J's McCamant,
Gab. Davis,
Michael Whitman.

Sixth Division, at Garber's Mill:

John Rogers,
John Harris,
James Morrow.

Cumberland County.**First Division, at Carlisle:**

Robert Miller,



Benjamin Blyth,
James Gregory.

Second Division, at Chambersburg.

John Allison,
James Maxwell,
John Beard.

Third Division, at Robert Campbell's:

William Brown,
Alexander Morrow,
James Taylor.

York County.

First Division, at York-town:

Charles Lukens,
John Hay,
Michael Hayn.

Second Div., at Samuel Gaddis's:

William M'Clellan,
John Agnew,
James Dickson.

Third Division, at Hanover:

Joseph Jefferies,
Thomas Lilly,
Frederick Wolfe.

Fourth Div., at Nicholson's Mill:

James Leiper,
Patrick Scott,
James Savage.

Fifth Div., at Robert Stevenson's:

John Nesbit,
James Nayler,
William Mitchell.

Bedford County.

At the usual place:

Samuel Davidson,
James Anderson,
William Todd.

Northumberland County.

At George McCandlish's:

Thomas Hewit,
William Shaw,
Joseph Green.

Westmoreland County.

First Division, at Spark's Fort:

George Wilson,
John Kile,
Robert McConnell.

Second Div., at Hannah's Town:

James Barr,
John Moore,
Clement M'Geary.

Northampton County.

First Division at Easton:

Abraham Berlin,
Jesse Jones,
Jonas Hartzell.

Second Division, at Allens' Town:

John Gerhart,
David Deshler,
George Breinig.

Third Div., at Peter Anthony's:

Simon Dreisbach,
Neigel Gray,
Peter Anthony.

Fourth Division, at Nicholas Dupue's:

Robert Levers,
Nicholas Dupue,
Jacobus Vangarder.

Ordered, That Doctor Rush, the chairman, Colonel Hill, and Colonel Smith, prepare a draft of an address to the inhabitants of the province, and report to the conference.

Resolved, unanimously, That Messieurs Bayard, Bird and Smith, be appointed a committee to wait upon the chairman of the committee of safety, and desire a copy of all orders given to Captain Samuel Davidson, since his appointment as principal commander of the navy of this province, to be laid before this conference.

Resolved, unanimously, That it be recommended to the said convention to choose and appoint delegates or deputies to represent this province in the Congress of the united colonies; and also a council of safety, to exercise the whole of the executive powers of government, so far as relates to the military defence and safety of the province, and to make such allowance for the services of said delegates and council of safety, respectively, as shall be reasonable. Which said delegates and council of safety are to continue for six months, unless a new government shall be formed within that time, in which case their appointment is to cease.

The conference then adjourned to three o'clock P. M.

June 23, 1776, P. M.

The conference met.

The gentlemen appointed to prepare a draft of an address to the inhabitants of this province, delivered at the table a draft, which was read. On motion, That divers resolutions of Congress, of 3d and 4th days of July, inst., requiring 10,000 of the militia of the colony of Pennsylvania, the government of the counties of New-Castle, Kent and Sussex on Delaware, and the colony of Maryland, be raised to form a flying camp, be read, the same were read accordingly, and are in the words following, viz.:

"In Congress, June 3.

"Resolved, That a flying camp be immediately established in the middle colonies, and that it consist of 10,000 men, to complete which number, Resolved, That the colony of Pennsylvania be requested to furnish of the militia, 6,000
 Maryland, 3,400
 Delaware government, 600

10,000

"June 4th, 1776. Resolved, That it be recommended to the assemblies and conventions of the colonies requested to supply or furnish militia by the resolution of yesterday, to take particular care that the militia come provided with arms, accoutrements and camp kettles.

"Extract from the Minutes.

"CHARLES THOMPSON, Secretary.

"That three provincial brigadier generals be employed for the flying camp, two from Pennsylvania and one from Maryland. That the said brigadier generals be appointed by the colonies above mentioned. That the flying camp be under the command of such continental general officers as the commander-in-chief shall direct. That the militia, when service be regularly paid and victualled in the same manner as the continental troops.

"Resolved, That the militia be engaged to the first day of December next, unless sooner discharged by Congress.

"That the pay of the militia commence from the day of their marching from home, and that they be allowed one penny a mile, lawful money, in lieu of rations, for traveling expenses, and one day's pay for every twenty miles, between home and the general rendezvous, going and returning.

"Extract from the Minutes.

CHARLES THOMPSON, Secretary."

By special order the same were read a second time.

On motion, Ordered, That a resolution of the Assembly of this province of June 14th inst., in consequence of the foregoing requisition of Congress be read, and the same was read accordingly.

By special order the same was read a second time, and is in the words following, viz.:

“In Assembly, June 14, 1776.

“Resolved, By the members of Assembly now met, that they are earnestly desirous of carrying into execution the resolutions of Congress of 1st inst., but that as they despair, after repeated disappointments of procuring a quorum of the house, they find themselves unable at this time to proceed on said resolutions.

“Extract from the Minutes.

ABEL EVANS, Clerk.”

On motion, Ordered, That the copy of a minute from the proceedings of the committee of this province, entered on the journal of this conference on Saturday last be read, and it was read accordingly.

Whereas, It appears to this conference that the six thousand militia required of this colony by Congress, and agreed by the Assembly of this province to be raised are absolutely necessary for the defence and security of the thirteen united colonies: And Whereas, It appears that the requisition of Congress was made to the colony of Pennsylvania, and that the same cannot be complied with by the Assembly or committee of safety of this province, and that unless this conference, being the only representative body of this colony that can at this time with propriety interpose in this business, undertake to accomplish the desire of the Congress and of the Assembly in the premises, the aforesaid flying camp cannot be raised in due time; and the liberties and safety of this province, as well as of the other colonies may be thereby endangered. And Whereas, The militia of this province at first associated by the advice and under the authority of the committees of inspection and observation of the city and the several counties, therefore, Resolved, unanimously, That this conference do recommend to the committees and associators of this province to embody 4,500 of the militia,

which, with the 1,500 men now in the pay of this province, will be the quota of this colony required by Congress.

Resolved, unanimously, That Messrs. Hill, Gurney, Hart, Montgomery, Morgan, Cunningham, Gray, M'Calister, McLean, Espy, Cook and Perry be a committee to devise ways and means for raising the said 4,500 men, and to enquire into all matters necessary to fit them for taking the field.

On motion, unanimously Ordered, That the chairman, Dr. Rush, and Col. Smith be a committee to draft a resolution declaring the sense of the conference with respect to an independence of this province from the crown and parliament of Great Britain, and report to-morrow morning.

Resolved, unanimously, That it be recommended to Commodore Samuel Davidson and to the captains of the row galleys, &c., to forbear to take any steps which may involve the fleet in confusion, and that they will wait the result of an interview which this conference intended to propose to the committee of safety, and that Messrs. Blewer, Levis, Bird, Loller and Colhoon be a committee to wait on those gentlemen on board their vessels to-morrow morning.

The committee appointed to wait on the chairman of the committee of safety reported that they had waited on George Clymer, Esq., according to order, and had delivered the message they had in charge, and that he said he would immediately call the committee and give an answer this afternoon.

The draft of an address, &c., was by order read a second time, and being considered and amended, was agreed to unanimously, and is in the following words:

THE ADDRESS OF THE DEPUTIES.

From the committees of Pennsylvania, Assembled in Provincial Conference, June 22, 1776.

To the people of Pennsylvania:

Friends and Countrymen: In obedience to the power we derived from you, we have fixed upon a mode of electing a convention to form a government for the province of Pennsylvania, under the authority of the people.

Divine Providence is about to grant you a favor which few people have ever enjoyed before, the privilege of choosing deputies to form a government under which you are to live. We need not inform you of the importance of the trust you are about to commit to them. Your liberty, safety, happiness and everything that prosperity will hold dear to them to the end of time, will depend upon their deliberations. It becomes you, therefore, to choose such persons only to act for you in the ensuing convention as are distinguished for wisdom, integrity and a firm attachment to the liberties of this province as well as to the liberties of the united colonies in general.

In order that your deputies may know your sentiments as fully as possible upon the subject of government, we beg that you would convey to them your wishes and opinions upon that head immediately after their election. We have experienced an unexpected unanimity in our councils, and we have the pleasure of observing a growing unanimity among the people of the province. We beg that this brotherly spirit may be cultivated, and that you shall remember that the present unsettled state of the province requires that you should show forbearance, charity and moderation to each other. We beg that you would endeavor to remove the prejudices of the weak and ignorant, respecting the proposed change in our government, and assure them that it is absolutely necessary to secure property, liberty and the sacred rights of conscience to every individual in the province. The season of the year and the exigencies of our colony require dispatch in the formation of a regular government. You will not, therefore, be surprised at our fixing the day for the election of deputies so early as the eighth of next July.

We wish you success in your attempts to establish and perpetuate your liberties, and pray God to take you under his special protection.

Signed by unanimous order of the conference.

THOMAS M'KEAN, President.

Col. Roberdeau and Mr. Parker, from the committee of safety, delivered in at the table a letter from George Clymer, Esq., chairman of said committee, inclosing the instruction given to Capt. Davidson by that committee.

Ordered, To lie on the table for the persual of the members.

Monday, June 24, A. M.

The conference met, according to adjournment, but many of the members being on committees, the conference adjourned to three o'clock this afternoon.

The conference met June 24, 1776, P. M.

The committee appointed for that purpose brought in a draft of a declaration, on the subject of the independence of this colony, of the crown of Great Britain, which was ordered to be read.

By special order, the same was read a second time, and being fully considered, it was with the greatest unanimity of all the members agreed to and adopted, and is in the words following, viz.:

Whereas, George the Third, King of Great Britain, &c., in violation of the principles of the British constitution, and of the laws of justice and humanity hath, by an accumulation of oppressions, unparalleled in history, excluded the inhabitants of this, with the other American colonies, from his protection: And Whereas, He hath paid no regard to any of our numerous and dutiful petitions for a redress of our complicated grievances, but hath lately purchased foreign troops to assist in enslaving us, and hath excited the savages of this country to carry on a war against us, as also the negroes to imbrue their hands in the blood of their masters, in a manner unpractised by civilized nations, and hath lately insulted our calamities, by declaring that he will show us no mercy until he has reduced us: And Whereas, The obligations of allegiance (being reciprocal between a king and his subjects) are now dissolved on the side of the colonists, by the despotism of the said king,

insomuch that it now appears that loyalty to him is treason against the good people of this country: And Whereas, Not only the parliament, but there is reason to believe too many of the people of Great Britain have concurred in the aforesaid arbitrary and unjust proceedings against us: And Whereas, The public virtue of this colony (so essential to its liberty and happiness) must be endangered by a future political union with or dependence upon a crown and nation so lost to justice, patriotism and magnanimity. "We, the deputies of the people of Pennsylvania, assembled in full provincial conference, for forming a plan for executing the resolve of Congress of the 15th of May last, for suppressing all authority in this province, derived from the crown of Great Britain, and for establishing a government upon the authority of the people only, now in this public manner in behalf of ourselves, and with the approbation, consent and authority of our constituents, unanimously declare our willingness to concur in a vote of the Congress, declaring the united colonies free and independent states: Provided, The forming the government and the regulation of the internal police of this colony be always reserved to the people of the said colony; and we do further call upon the nations of Europe, and appeal to the great arbiter and governor of the empires of the world, to witness for us, that this declaration did not originate in ambition, or in an impatience of lawful authority, but that we were driven to it in obedience to the first principles of nature, by the oppressions and cruelties of the aforesaid king and parliament of Great Britain, as the only possible measure that was left us to preserve and establish our liberties, and to transmit them inviolate to posterity."

Ordered, That this declaration be signed at the table, and that the president deliver it in Congress.

The committee appointed to wait on the captains of the row gallies, &c., made their report, which was read, and is in the following words: That they had proceeded to said fleet in order to execute their appointment and wait on said captains (the commodore being gone to Philadelphia), who declare solemnly that they would pursue no measure that would involve the fleet in confusion, or in any wise incapacitate them from serving the public in the most effectual manner for the support, safety

and defence of this province, further than that they would not submit to, but would ever protest against the advancement of Capt. Davidson, whom the committee of safety have appointed commodore of said fleet, and further requested to be heard by this board or the convention respecting the premises as will appear by a declaration of said captains to said board.

J. BLEWER, M. BIRD, JOHN COLHOON.
T. LEVIS, ROBERT LOLLER,

The committee also delivered a written report of the captains of the provincial gallies, which was read and is in the following words, viz.:

We said commanders do resolve to abide by the determination set forth in our remonstrance of the 18th inst., to the committee of safety respecting the appointment of a commodore. (We do, therefore, warmly remonstrate against any such appointment, and declare to this board that we will not submit to it.) We do also report to the sub-committee that the reports which have prevailed in town about our going on board the province ship to strike the board pennant, with boats manned and armed is false and without the least foundation. There was not a single firearm in one of the boats, neither the smallest appearance of hostility or design on our parts, even orders were given to our men not to stir out of their boats or attempt to come on board the ship. We do pray, when convenient, that we may have a hearing before the honorable the committee of conference or convention. In the interim your committee may rest assured that we will constantly remain in the line of our duty for the defence of our river and province, and that no differences of whatsoever kind shall interfere with the good of the public and glorious cause in which we are engaged.

(Signed.)

H. DOUGHERTY,
JOHN HAMILTON,
JAMES MONTGOMERY,
RICHARD EYRES,
ALEXANDER HENDERSON,
HUGH MONTGOMERY,
WILLIAM GAMBLE, of fire-ship,
BENJAMIN THOMSON,
ROBERT HUME.

Ordered, That the above reports lie on the table for perusal of the members.

On motion, Resolved, unanimously, That the same committee be appointed to wait on the committee of safety, and desire a conference on the subject matter of their report, from their conversation with the captains of the row gallies, &c., in the service of this province, and to make report of their proceedings in the premises.

Resolved, That Messrs. Bayard, Rush and Smith be a committee to prepare a draft of an address to the associators of this province on the subject of embodying 4,500 men.

The committee appointed to devise ways and means, &c., made their report, which, being read, was referred to to-morrow.

The committee appointed to wait on the committee of safety reported in the following words: That in conversation they found they were willing to agree to anything with this conference in reason that would promote harmony and good order, and further, that any of the conference was welcome to examine any of their accounts or proceedings.

(Signed.)

J. BLEWER,
M. BIRD,
ROBERT LOLLER,
JOHN COLHOON.

June 25, 1776.

The conference met.

The conference resumed the consideration of the report on the ways and means, &c., and after full consideration, Resolved, unanimously, That it be recommended to the associators of the city of Philadelphia and the several counties, to embody themselves in the following proportion, viz.:

City of Philadelphia,	210
County of Philadelphia,	746
Bucks,	400
Chester,	652
Lancaster,	746
Berks,	666
Northampton,	346
York,	400
Cumberland,	334
	<hr/>
	4,500
Troops under Colonel Miles,	1,500
	<hr/>
	6,000
	<hr/>

Resolved unanimously, That the 4,500 militia, recommended to be raised, be formed into six battalions, each battalion to be commanded by one colonel, one lieutenant-colonel, one major; the staff to consist of a chaplain, a surgeon, an adjutant, a quartermaster, and a surgeon's mate, and to have one sergeant-major, one quartermaster sergeant, a drum-major and a fife-major, and to be composed of nine companies, viz.: Eight battalion companies, to consist of a captain, two lieutenants and one ensign, four sergeants, four corporals, a drummer, a fife and sixty-six privates each; and one rifle company, to consist of a captain, three lieutenants, four sergeants, four corporals, one drummer, one fife and eighty privates; excepting that for the Chester county battalion; one company of artillery is to be raised in the city of Philadelphia instead of a rifle company.

Resolved unanimously, That it be recommended to the committees of inspection and observation for the city and liberties, &c., of Philadelphia, and for each county, to order the militia aforesaid to be raised out of the battalions associated within their respective limits, in such proportion as they shall judge most equal.

Resolved unanimously, That the committees of inspection and observation in each county, wherein a whole battalion is to

be raised, shall nominate and appoint the field and other officers to command such battalion; and that the committees aforesaid of the city and counties wherein only a part of a battalion is to be raised, shall have the right, respectively, to nominate and appoint the field officers as nearly as may be in proportion to the number of men raised in the same, and they are desired to send sub-committees to confer together on such appointment, that harmony may prevail in this whole transaction.

Resolved unanimously, That each private procure his own musket or rifle, with the other accoutrements required by Congress; but, if they cannot be procured, it is recommended to the colonels of the several battalions in this province to lend the colonels of the battalions now to be raised, the muskets which have been made by order of the House of Assembly, and have been delivered to them for the use of the militia, and the colonels are hereby authorized and directed to receive the arms so to be delivered, and to lend the same to such privates as cannot procure arms for themselves until the expiration of the present service; and if any private shall neglect or refuse to return the arms to him lent, in good order, to the colonel of the battalion to which he belongs, at the end of the service, the original price thereof shall be deducted out of his pay.

Resolved unanimously, That it be recommended to the committees aforesaid, to advance to each private engaged in this service the sum of fifty shillings, being the first month's pay, and also to furnish one camp kettle for every six men, and to take particular care that the troops, now recommended to be embodied, provide themselves with good arms and accoutrements, a blanket, a haversack and knapsack each, at their own expense. The camp kettles to be returned to the colonel of the respective battalions at the end of the campaign.

On motion, Resolved, That it be recommended to the committee of safety of this province to confine the command of Commodore Davidson to the ship of war and floating battery belonging to the province, and to issue no orders to the captains or other officers of the row galleys, fire-ship, or fire-rafts, through the said commodore, until the convention meets, and that it

be recommended to the captains and other officers of the galleys, &c., to pay all due obedience to the committee of safety until that time, and until a new appointment shall take place.

Resolved, That Messrs. Hill, Smith and Blewer be a committee to wait on the committee of safety, with a copy of the said resolution.

The above committee reports that they had delivered the said recommendations to the committee of safety, which was then sitting.

Resolved, That it be recommended to every county and district committee in this province, to pay the strictest attention to the examination of all strangers or persons traveling through the city or counties, and permit no persons traveling through the city or counties to remain therein, unless they produce a pass or certificate from the city, county or district committee from whence they last came; and it is further recommended to all committees to furnish proper passes to all friends to American Liberty upon their application thereof.

The committee appointed to compare a draft of an address to the associators on the subject of embodying 4,500 in consequence of the resolution of Congress, &c., presented a draft, which was read.

By special order the same was read a second time and agreed to unanimously and is as follows, viz.:

THE ADDRESS OF THE DEPUTIES.

Of the committees of Pennsylvania, assembled in Provincial Conference, at Philadelphia, June 25, 1776.

To the Associators of Pennsylvania:

Gentlemen: The only design of our meeting together was to put an end to our own power in the province by fixing upon a plan for calling a convention to form a government under the authority of the people. But the sudden and unexpected separation of the Assembly has compelled us to undertake the execution of a resolve of Congress for calling forth 4,500 of the militia of the province to join the militia of the neighboring colonies to form a camp for our immediate protection. We

presume only to recommend the plan we have formed to you, trusting that in case of so much consequence your love of virtue and zeal and liberty will supply the want of authority delegated to us expressly for that purpose.

We need not remind you that you are now furnished with new motives to animate and support your courage. You are now about to contend against the power of Great Britain in order to displace one set of villians to make room for another. Your arms will not be enervated in the day of battle with the reflection that you are to risk your lives or shed your blood for a Britain tyrant, or that your posterity will have your work to do over again. You are about to contend for permanent freedom, to be supported by a government which will be derived from yourselves and which will have for its object not the enrollment of one man, or class of men only, but the safety, liberty and happiness of every individual in the community. We call upon you, therefore, by the respect and obedience which are due to the authority of the united colonies, to concur in this important measure. The present campaign will probably decide the fate of America. It is now in your power to immortalize your names by mingling your achievements with the events of the year 1776—a year which we hope will be famed in the annals of history to the end of time, for establishing upon a lasting foundation the liberties of one-quarter of the globe.

Remember the honor of our colony is at stake; should you desert the common cause at the present juncture, the glory you have acquired by your former exertions of strength and virtue will be tarnished, and our friends and brethren who are now acquiring laurels in the most remote parts of America will reproach us and blush to own themselves natives or inhabitants of Pennsylvania. But there are other motives before you—your houses, your fields, the legacies of your ancestors or the dear-bought fruits of your own industry and your liberty—now urge you to the field. These cannot plead with you in vain, or, we might point out to you further, your wives, your children, your aged fathers and mothers, who now look up to you for aid and hope for salvation in this day of calamity only from the instrumentality of your swords. Remember the name

of Pennsylvania. Think of your ancestors and of your posterity.

Signed by an unanimous order of the conference.

THOMAS M'KEAN, President.

Resolved unanimously, That thanks be given to the president for his impartiality and close attention to the business of this conference.

Resolved unanimously, That the thanks of this conference be given to the committee of the city and liberties of Philadelphia, &c., for their unwearied endeavors in the public service, and particularly for their patriotic exertions in carrying into execution the resolve of Congress of May 15th last, for suppressing all authority under the crown of Great Britain.

Then the conference dissolved itself.

THOMAS M'KEAN, President.

Jonathan B. Smith, }
Samuel C. Morris, } Secretaries.

SECTION III.

PROCEEDINGS OF THE FIRST CONSTITUTIONAL CONVENTION OF PENNSYLVANIA, HELD AT THE STATE HOUSE IN PHILADELPHIA, JULY 15, 1776, TO SEPTEMBER 28, 1776.

At a meeting of the Convention for the State of Pennsylvania, held at the State House in the City of Philadelphia, on the Fifteenth day of July, in the year One Thousand Seven Hundred and Seventy-six.

Monday, July 15, 1776, P. M.

The respective judges for the election for the city of Philadelphia and the several counties made their returns, as follows, viz.:

For the City of Philadelphia. For the County of Lancaster.

Timothy Matlack,
Benjamin Franklin,
Frederick Kuhl,
Owen Biddle,
James Cannon,
George Clymer,
George Schlosser,
David Rittenhouse.

George Ross,
Philip Marsteller,
Thomas Porter,
Bartram Galbreath,
Joseph Sherrer,
John Hubley,
Henry Slaymaker,
Alexander Lowrey.

For the County of Northamp-
ton.

Siman Dreshbach,
Jacob Arndt,
Peter Buckholder,
Peter Rhoads,
Jacob Stroud,
Neigal Gray,
Abraham Miller,
John Ralston.

For the County of York.

John Hay,
James Edgar,
William Rankin,
Henry Slagle,
Francis Crazart,
James Smith,
Robert McPherson,
Joseph Donaldson.

For the County of Bucks.

Joseph Hart,
John Wilkinson,
Samuel Smith,
John Keller,
William Vanhorn,
John Grier,
Abraham van Middleswarts,
Joseph Kirkbride.

For the County of Northum-
berland.

William Cooke,
James Potter,
Robert Martin,
Matthew Brown,
Walter Clark,
John Kelly,
James Crawford,
John Weitzell.

For the County of Philadel-
phia.

Frederick Antis,
Henry Hill,
Robert Loller,
Joseph Blewer,
John Bull,
Thomas Potts,
Edward Bartholomew,
William Coates.

For the County of Bedford.

Thomas Smith,
John Wilkins,
Benjamin Elliott,
Thomas Coulter,
Joseph Powell,
Henry Rhoads,
John Burd,
John Cessna.

For the County of Cumberland.

John Harris,
Jonathan Hoge,
William Clarke,
Robert Whitehill,
William Duffield,
James Brown,
Hugh Alexander,
James M'Clean.

For the County of Chester.

Benjamin Bartholomew,
John Jacobs,
Thomas Strawbridge,
Robert Smith,
Samuel Cunningham,
John Hart,
John Mackey,
John Flemming.

For the County of Berks. For the County of Westmore-
land.

Jacob Morgan,
Gabriel Heister,
John Leshner,
Benjamin Spyker,
Daniel Hunter,
Valentine Eckart,
Charles Shoemaker,
Thomas Jones.

James Barr,
Edward Cook,
James Smith,
John Moore,
John Carmichael,
James Perry,
John M'Clellan,
Christopher Lavingair.

The convention adjourned to three o'clock to-morrow in the afternoon.

Tuesday, July 16, 1776, P. M.

The convention met, pursuant to adjournment.

Doctor Benjamin Franklin was unanimously chosen president.

Colonel George Ross was unanimously chosen vice-president.

John Morris, Esquire, was chosen secretary.

Mr. Jacob Garrigues was chosen assistant clerk to the secretary.

Mr. Morris not being in this city at present, Colonel Matlack is requested to perform the duty of secretary, till Mr. Morris may return.

The qualification and profession of faith recommended by the conference of committees, held at Philadelphia, on the 25th of June last, were read, taken and subscribed by all the members now present, viz.:

Benjamin Franklin,
Timothy Matlack,
Frederick Kuhl,
Owen Biddle,
James Cannon,
George Clymer,

George Schlosser,
David Rittenhouse,
Frederick Antis,
Henry Hill,
Robert Loller,
Joseph Blewer,

John Bull,	William Duffield,
Edward Bartholomew,	James Brown,
Joseph Hart,	James M'CLean,
John Wilkinson,	Jacob Morgan,
Samuel Smith,	Gabriel Heister,
John Keller,	John Leshner,
William Vanhorn,	Benjamin Spyker,
John Grier,	Daniel Hunter,
Joseph Kirkbride,	Charles Shoemaker,
John Hart,	Thomas Jones,
Thomas Strawbridge,	Simon Dreshbach,
Robert Smith,	Jacob Arndt,
Samuel Cunningham,	Peter Buckholder,
John Mackey,	Peter Rhoads,
George Ross,	Jacob Stroud,
Bartram Galbreath,	Neigal Gray,
Joseph Sherrer,	Abraham Miller,
John Hubley,	John Ralston,
Henry Slaymaker,	Thomas Smith,
Alexander Lowrey,	John Wilkins,
John Hay,	Benjamin Elliot,
James Edgar,	Thomas Coulter,
Francis Crazart,	Joseph Powell,
James Smith,	Henry Rhoads,
Robert McPherson,	John Burd,
Joseph Donaldson,	John Cessna,
John Harris,	Walter Clark,
Jonathan Hoge,	John Kelley and
William Clarke,	James Crawford.

William Sheed is appointed door-keeper.

A letter from the Honorable John Hancock, Esq., President of the Congress of the United States of America, directed to this convention, was read, recommending to them to take such measures as may be judged proper and necessary for procuring as much lead within this State as can be obtained. Whereupon, it was

Resolved, That the said recommendation of Congress be immediately complied with, and, therefore, that it be recom-

mended to the committee of safety immediately to take the most vigorous and effectual measures to procure all the lead which can be obtained, and which may at present be used in spouts, window-weights, clock-weights, ornaments of houses, or in any other form; and that they make reasonable compensation for the same to all persons from whom it may be had or received, having regard also to any particular inconveniences which individuals may sustain by affording the public this necessary supply.

And it is likewise recommended to the inhabitants of this State to part willingly with such lead as they have in their possession, for the public service.

A letter was read from General Roberdeau respecting the guard recommended by Congress to be kept in this city, and the same being considered, it was

Resolved, That it be recommended to the committee of safety, to take the necessary steps thereupon, as being within their department.

A letter was read from the delegates of the State of Virginia, now in the Congress, proposing that a temporary line between Pennsylvania and Virginia may be agreed upon, until a final determination may be had, and declaring their readiness to confer on this subject with any gentlemen this House may be pleased to appoint for that purpose; the same being considered, it was

Ordered, That the further consideration thereof be deferred to Thursday morning next.

On motion, Resolved, That application be made to General Roberdeau, requesting him to issue an order, for permitting John Morris, Esq., and Jacob Garrigues, to return to this city, they being appointed to the offices of secretary and assistant clerk to this convention.

Adjourned till to-morrow morning eight o'clock.

Wednesday, July 17, 1776.

The convention met, according to adjournment.

Upon motion, Resolved, That the Reverend Mr. William

White be requested to perform divine service to-morrow morning before this convention, that we may jointly offer up our prayers to Almighty God to afford us his Divine Grace and Assistance in the important and arduous task committed to us, and to offer up our praises and thanksgivings for the manifold mercies and the peculiar interposition of His special Providence in behalf of these injured, oppressed and insulted United States.

Colonel Matlack and Mr. Clymer are appointed to wait on the Reverend Mr. White and furnish him with a copy of the foregoing resolve.

Moved, That Colonel Miles be appointed Brigadier-General and Commander-in-Chief of the forces of Pennsylvania. Referred for further consideration.

Mr. Matthew Brown, John Flemming, Philip Marsteller and Robert Whitehill appeared in the House for the first time, took the oaths and made and signed the profession of faith required.

Moved, That effectual measures be taken to obtain the arms from all non-associators, as they are absolutely necessary for the defense of the country. And as the associators in this State are not all completely armed, and the resolve of the Honorable Congress for disarming disaffected persons and non-associators has not yet been effectually executed; therefore,

Resolved, That Mr. Rittenhouse, Mr. Bull, Mr. Kirkbride, Mr. Flemming, Mr. Marsteller, Mr. Edgar, Mr. Harris, Mr. Coulter, Mr. Morgan, Mr. Gray and Mr. Crawford be a committee for bringing in an ordinance for the purpose of carrying fully into execution the said resolve of Congress.

A petition from divers debtors now confined in the gaol of Philadelphia, praying releasement from their confinement, was read, and ordered to lie on the table.

Adjourned to to-morrow morning eight o'clock.

Thursday, July 18, 1776, A. M.

The convention met, according to adjournment.

Mr. Morris, the secretary, now attending, it was ordered,

upon motion, that he should take the following affirmation, viz.:

"I, John Morris, do declare that I do not hold myself bound to bear allegiance to George the Third, King of Great Britain, and that I will steadily and firmly at all times promote the most effectual means, according to the best of my skill and knowledge, to oppose the tyrannical proceedings of the King and Parliament of Great Britain against the American Colonies, and support a government in this State on the authority of the people only; and that, as secretary of this convention, I will be faithful and make fair and just minutes of all their proceedings according to the best of my abilities, and keep all such secrets as shall be directed to be kept by the convention." Which he did accordingly.

Ordered, also, That the clerk, when he shall come, shall make a declaration to the like import.

The Reverend Mr. White attending, agreeable to the request of yesterday, and having performed divine service, and being withdrawn, it was

Ordered, on motion, That Mr. Matlack and Mr. Clymer wait upon that gentlemen with the thanks of the convention for his services.

On motion, That a committee be appointed to draw up rules and regulations for the government of this convention in their proceedings,

Ordered, That Mr. Ross, Mr. Matlack and Mr. Jacobs be a committee for that purpose.

On motion, Resolved, That the secretary call upon the clerk of the Assembly from time to time for such of the public records, papers and documents belonging to this government as the convention shall think necessary. And the said clerk is hereby directed to deliver the same.

Resolved, That the members of this convention have at all seasonable times free access to the public library of this State.

A report from the committee appointed yesterday to bring in an ordinance respecting the arms of non-associators, was read and ordered to lie on the table for a second reading.

The gentlemen appointed to draw up rules and regulations

for the government of this convention in their proceedings, withdrew, and after some time brought in an essay for that purpose, which, being read, was agreed to, and is as followeth, viz.:

First, That the members, when speaking, address themselves to the chair.

Second. That no member interrupt a member when speaking.

Third, That no member use indecent or reflecting language, or wilfully pervert the sense of what another member has said.

Fourth. That the members are not to use each other's names, but in their answers to take notice of their time of speaking, or their situation as to the right or left of the chair, &c.

Fifth, That no member cross between the chair and a speaking member.

Sixth. That the president have a right to call to order, where a member may wander from the matter in debate.

Seventh. That no member speak above twice on the same subject, without obtaining leave from the convention.

Eighth, That where any debate proves very tedious, and any four members rise and call for the question, the president shall put the same.

Ninth. That where the President shall enjoin secrecy, it is expected that every member is bound by his honor to observe the same.

Tenth. That where the House is equally divided, the president shall have the casting vote.

Upon motion, Resolved, That two-thirds of the persons chosen as members of this convention, be a quorum.

Upon motion, Resolved, That no member of this convention absent himself without leave.

Upon motion, To resume the consideration of the letter from the Virginia delegates, it was agreed to postpone the same for some time, as the members for Westmoreland are not yet arrived.

Upon motion, and after debate, Resolved, That a committee be appointed to make an essay for a Declaration of Rights for this State.

Resolved also, That the said committee consist of eleven persons, viz.: Mr. Biddle, Col. Bull, The Reverend Mr. Vanhorn, Mr. Jacobs, Col. Ross, Col. James Smith, Mr. Hoge, Mr. Morgan, Col. Stroud, Col. Thomas Smith and Mr. Martin.

Mr. Abraham van Middleswart, Mr. Robert Martin, Mr. John Weitzel and Mr. John Jacobs appeared in the House for the first time, took the oath or affirmation and made and signed the profession of faith required.

Adjourned to four o'clock P. M.

Thursday, July 18, 1776, P. M.

The convention met, pursuant to adjournment, when a letter to this House from the Honorable the President of the Congress was read, desiring them to recommend field officers for a battalion to be raised in the counties of Bedford and Westmoreland, in this State, for the defense of its western frontier.

After some deliberation thereon, the further consideration thereof was postponed till to-morrow morning.

It was proposed by the president that the convention should now proceed to the choice of delegates to serve in the Continental Congress, whereupon, a debate arising, it was previously moved and

Resolved unanimously, That the said delegates to serve this State in Congress shall be chosen by ballot.

Also Resolved, That the number of said delegates be nine.

It was then considered, whether this House will proceed to the election of the said delegates, or postpone it till to-morrow afternoon?

And it was thereupon agreed to postpone the same till to-morrow afternoon.

It was moved and Resolved, That a majority of the delegates for this State, who are at any time present in Congress at the determination of any question, shall be a quorum to give the vote of this State.

Moved and Resolved, That the council of safety for this State shall consist of fifteen members, residing in or near the city of Philadelphia, and of one for each of the counties, and that seven be a quorum for the transaction of business.

Moved and Resolved, That the whole council of safety be voted for together by one general ballot.

Adjourned to to-morrow morning ten o'clock.

Friday, July 19, 1776, A. M.

The convention met, according to adjournment.

Col. James Potter, one of the members from Northumberland, appeared in the House for the first time, took the oaths and made and subscribed the profession of faith required.

The ordinance, brought in yesterday, respecting the arms of non-associators, was read a second time, and then read by paragraphs. During the debates on which, a letter was handed to the president from the Honorable the President of Congress, informing that a false report had been spread through the country, which, it was apprehended, had retarded the march of the Pennsylvania associators, and that, therefore, it had been resolved by the Congress that it should be recommended to this convention to hasten their march with all expedition.

Whereupon, it was moved and unanimously Resolved, That circular letters be written to the several committees of inspection and observation of this State, to send orders immediately to the several colonels or commanding officers to march their troops with the utmost expedition to New Jersey, agreeable to a former request of Congress.

Also moved and unanimously Resolved, That letters be forthwith written to the several colonels and commanding officers in the several counties, and printed copies thereof also sent to the several committees to be by them forwarded to the officers.

And that the resolve of Congress of this day, and the letter of the Honorable President to this convention, be also printed, and the copies thereof sent with the other letters.

And, also, that Colonel Matlack, Colonel Hill and Mr. Cannon be a committee to write the said letters, and to print and forward them.

Adjourned to three o'clock P. M.

Friday, July 19, P. M.

The House met, pursuant to adjournment.

The committee appointed to write the letters to the committees of inspection and commanding officers, reported draughts of them, which, being read, and some small amendments made at the table, were approved of, and ordered to be printed and expedited as quickly as possible.

Mr. William Rankin, one of the members for York county, appeared in the House for the first time, took the oaths and made and subscribed the profession of faith.

The House resumed the consideration of the ordinance respecting the arms of non-associators, and after a considerable time employed in debating thereon and amending the same, it was ordained in the following words, viz.:

[Printed in full in text. See page 11.]

Moved and Resolved, That the salary of each of the delegates to be chosen to serve this State in Congress shall be twenty shillings per diem.

The election of delegates is adjourned to eight o'clock to-morrow morning.

Adjourned till to-morrow morning eight o'clock.

Saturday, July 20, 1776.

The House met, according to adjournment.

When, according to the order of the day, they immediately proceeded, by ballot, to the election of delegates to serve in the Continental Congress, and chose for that service, Doctor Benjamin Franklin, Colonel George Ross, George Clymer, Esq., Robert Morris, Esq., Colonel James Wilson, John Morton, Esq., Doctor Benjamin Rush, Colonel James Smith and George Taylor, Esq.

Moved and Resolved, That a committee be appointed to draw up instructions for the delegates in Congress, and that Colonel Matlack, Colonel Thomas Smith, Mr. Cannon, Mr. Rittenhouse and Colonel Bull be that committee.

Moved and Resolved, That Mr. Rittenhouse, Colonel Thomas

Smith, Mr. Lowrey, Mr. Biddle and Colonel Potter be a committee to confer with the Virginia delegates on the subject of a temporary line between the two States of Virginia and Pennsylvania.

Colonel Ross informed the House, at the request of the Secret Committee of Congress, that the Congress for certain pressing and important reasons, desired that this convention would direct that the common prisoners be removed from the new gaol to the old gaol in this city, and would give up the said new gaol to the Congress for the use of the State prisoners, for which they would willingly pay any reasonable rent or compensation.

Whereupon, it was moved and unanimously Resolved, That the said request of Congress be complied with, and that the said common prisoners be forthwith (that is, this day) removed from the said new gaol, and that the same be immediately delivered up to Congress for the use aforesaid. And the sheriff of the city and county of Philadelphia is commanded to keep his civil prisoners safely in the old gaol until they may be properly discharged. And of this resolve, all persons whom it may concern are required to take notice and give prompt obedience thereto.

The House then resumed the consideration of the field officers for the battalion intended for the defense of the western frontier, and agreed to recommend Aeneas M'Coy, Esq., as colonel, George Wilson, Esq., as lieutenant-colonel and Richard Butler, Esq., as major.

Adjourned to Monday morning eight o'clock.

Monday, July 22, 1776, A. M.

The House met, pursuant to adjournment.

The following members for Westmoreland, viz.: James Barr, Edward Cook, John Moor, John Carmichael, John M'Clellan, Christopher Lavingair and James Smith, now appeared in the House, took the oaths and made and subscribed the profession of faith, as did also Hugh Alexander, of Cumberland, at the same time.

Moved and Resolved, That the committee of safety of this State lay their accounts and proceedings before this convention, and that Mr. Clymer communicate this resolution to the said committee.

On motion, Ordered, That Mr. John Moor be added to the Declaration of Rights Committee, and that the said committee have leave of absence.

A letter from the President of the Congress, requesting this convention to increase the quota of this State for the Flying Camp with four battalions of militia, was presented and read, but so many of the members had gone upon the Committee of the Declaration of Rights, that a quorum was not then in the House; the consideration of it was, therefore, postponed to the afternoon.

Adjourned to three o'clock in the afternoon.

Monday, July 22, 1776, P. M.

The House met, pursuant to adjournment.

Mr. Valentine Eckart appeared in the House for the first time, and took the oath, and made and subscribed the profession of faith.

A petition from William Dewees, Esq., as high sheriff of the city and county of Philadelphia, was read, praying that before he obeyed the resolve of this House of the 20th instant, respecting the removal of the prisoners from the new to the old gaol, he and his sureties might be indemnified.

Upon consideration thereof, it was moved and Resolved, That the said William Dewees be ordered to pay immediate obedience to the said resolve of the 20th instant, and, if he think necessary, he may apply to the commanding officer of the City Guard for a guard to the old gaol, till it be put in a state of security. And the said officer is hereby required and ordered to grant the same.

Upon motion, Ordered, That Colonel Matlack and Mr. Clymer be a committee to go immediately and examine the state

of the old gaol. They went, and, returning, report that they had viewed the same, and find it sufficiently secure to receive and keep safe the prisoners.

The said William Dewees attending, requested, as a favor, that he might be indulged till the morning, before he removed the prisoners; his request was granted, the evening being too far advanced to remove them conveniently.

The House then resumed the consideration of Mr. President Hancock's letter respecting the increase of the quota for the Flying Camp, and, after some debate thereon, agreed to refer it for further consideration till to-morrow morning.

Adjourned till to-morrow morning, nine o'clock.

Tuesday, July 23, 1776, A. M.

The House met, pursuant to adjournment.

The consideration of Mr. President Hancock's letter was resumed, and after some debate thereon, it was

Upon motion, Resolved, That Mr. Cannon, Colonel Kirkbride, Major Loller, Mr. Mackey, Colonel Lowrey, Colonel McPherson, Mr. Harris, Mr. Ralston and Mr. Eckart be a committee to fix the proportions of the city and the several counties of this State, toward composing the four additional battalions required by Congress for the Flying Camp.

Whereas, The associators in this State, on the requisition of the Honorable the Continental Congress, have freely and bravely gone into the field for the defense of the common liberties of America, while the non-associators remain at home in peace and security, without affording by personal service or otherwise, that just and necessary assistance they owe to the State for their protection; therefore,

Resolved, That this convention will take the most effectual measures to render the burthen and expense of the inhabitants of this State just and equal.

Ordered, That this resolve be published in the newspaper of this city.

On motion, That, as the safety and security of the State

should at all times call the attention of its members for its preservation; therefore,

Resolved, That Col. Ross, Col. James Smith, Mr. Biddle, Mr. Hoge, Mr. Clymer, Mr. Rittenhouse and Col. Thomas Smith be a committee to bring in an ordinance declaring what shall be high treason and misprison of treason against this State, and what punishments shall be inflicted for those offenses.

On motion, Resolved, That the same gentlemen mentioned in the preceding resolve, be a committee to bring in an ordinance, declaring what shall be the punishment for the counterfeiting the paper bills of credit issued by the Honorable Continental Congress, or by the late Assembly of Pennsylvania, or by any other of the United States of America, and which of them, and how far, and in what cases they shall be a legal tender.

A petition from Col. James Easton, a prisoner now confined in the gaol of Philadelphia, was read, setting forth the very great and peculiar hardships of his case; whereupon, it was,

On motion, Resolved, That Mr. Jacobs, Col. Matlack and Mr. Hubley be a committee to inquire into the truth of the facts set forth in his petition.

Adjourned to three o'clock P. M.

Tuesday, July 23, 1776, P. M.

The House met, pursuant to adjournment.

Mr. Benjamin Bartholomew and Mr. James Perry appeared in the House for the first time, and took the oaths and made and subscribed the profession of faith.

On motion, Resolved, That eight shillings shall be the salary of each member of the council of safety, for every day in which he shall be engaged in the public service.

The House then proceeded to the election (by ballot) of the council of safety for this State. The following gentlemen were chosen, viz.:

David Rittenhouse, Jonathan B. Smith, Owen Biddle, James Cannon, Timothy Matlack, Nathaniel Falconer, Samuel Morris,

Junior, Samuel Howell, Frederick Kuhl, Samuel Morris, Senior, Thomas Wharton, Junior, Henry Keppele, Junior, Joseph Blewer, Samuel Mifflin, George Gray and John Bull, for Philadelphia county.

Henry Winkop, for Bucks county.

Benjamin Bartholomew, for Chester county,

John Hubley, for Lancaster county.

Michael Swoope, for York county.

William Lyon, for Cumberland county.

Daniel Hunter, for Berks county.

Peter Rhoads, for Northampton county.

David Espey, for Bedford county.

John Weitzel, for Northumberland county, and

John Moor, for Westmoreland county.

Who, being declared duly elected, the House adjourned to to-morrow morning, ten o'clock.

Wednesday, July 24, 1776, A. M.

The convention met, according to adjournment.

Colonel Henry Slagle appeared in the House for the first time, and took the oath and made and subscribed the profession of faith.

On motion, Resolved, That the members of the council of safety, before they enter upon the execution of their office, shall take and subscribe the following oath or affirmation, viz.:

"I, ———, do declare that I do not hold myself bound to bear allegiance to George the Third, King of Great Britain, and that I will steadily and firmly at all times, promote the most effectual means, according to the best of my skill and knowledge, to oppose the tyrannical proceedings of the King and Parliament of Great Britain against the American States; and that I will, according to the best of my judgment, execute with fidelity the trust reposed in me, as a member of the council of safety."

And that the vice-president of this convention administer the said oath or affirmation to such a number of the said council of safety as may be sufficient to make a quorum, and

then that the president of the said board, for the time being, qualify the rest.

Resolved, upon motion, That it be recommended to the council of safety to provide a sufficient number of pikes for the use of the militia of this State.

A letter from the chairman of the committee of Berks county was read, and, on motion, it was ordered that the same be referred to the council of safety.

On motion, Resolved, That the same gentlemen who are on the Declaration of Rights Committee, be appointed to draw up an essay for a frame or system of government for this State.

The committee for bringing in ordinances respecting the counterfeiting the paper bills of credit, and respecting treason and misprison of treason, reported that they had made essays for those purposes, which were both read and ordered a second reading.

On motion, Resolved, That the two companies of fifty men each now raising by the committee of Westmoreland for the defense of the frontier be considered as militia in actual service from the time of their enlistment to the fifth day of August next.

And also, that it be referred to the council of safety to consider whether they will keep the same in pay till the fifteenth day of September next, provided the officers, or any of them, should not be sooner appointed in, or any of the men before that time enter into the Continental Battalion now to be raised in Bedford and Westmoreland counties.

The committee for instructions to the delegates in Congress reported a draught for that purpose, which was left on the table for consideration.

Adjourned to three o'clock in the afternoon.

Wednesday, July 24, 1776, P. M.

The House met, pursuant to adjournment.

On motion, Resolved, That Mr. John Leshar be one of the committee for essaying a frame of government in the room of Mr. Jacob Morgan, who is absent with leave.

On motion, Resolved, That Mr. Cannon, Mr. Benjamin Bartholomew and Mr. Hubley be a committee to prepare and bring in an ordinance for delivering from imprisonment all persons confined in the several gaols in this State, except those who are imprisoned for practices against the State or for capital offenses.

The House took into consideration Col. Easton's petition, and the report of the committee thereupon, which report is as follows, viz.:

"That your committee have heard Col. Easton and his evidences, after notice being sent to the attorneys for the plaintiffs, to attend, if they should think proper; it appears that Col. Easton had given to his principal creditors such security for their debts as at the time was satisfactory to them. That he has since offered to surrender into the hands of his creditors all his effects, upon condition that the same should be sold to the best advantage, and the surplusage, after the payment of his just debts, should be returned to him, and that his creditors have not paid that attention to so reasonable an offer that was justly due to it. It, therefore, appears to your committee that there is no equitable cause for continuing the said Colonel Easton in confinement.

Philadelphia, July 24, 1776.

(Signed.)

TIMOTHY MATLACK,
JOHN JACOBS,
JOHN HUBLEY."

Whereupon, on motion, it was

Resolved, That this House will give relief to Colonel Easton, and that Colonel Matlack, Mr. Jacobs and Mr. Hubley be a committee to bring in an ordinance for his release from the gaol of Philadelphia, upon the particular circumstances of his case.

Adjourned to to-morrow morning, ten o'clock.

Thursday, July 25, 1776.

The House met, pursuant to adjournment.

Mr. Thomas Porter appeared in the House for the first time.

and took the oath and made and subscribed the profession of faith.

It was moved and Resolved, That this convention do agree to the following resolution and declaration, viz.:

We, the Representatives of the Freemen of the State of Pennsylvania, in General Convention assembled, taking into our most serious consideration the clear, strong and cogent reasons given by the Honorable Continental Congress, for the declaring this, as well as the other United States of America, free and independent, do thereupon resolve, and be it hereby resolved and declared that we, in behalf of ourselves and our constituents, do unanimously approve of the said resolution and declaration of Congress of the fourth instant. And we do declare before God and the world, that we will support and maintain the freedom and independence of this and the other United States of America at the utmost risk of our lives and fortunes.

The committee for essaying a Declaration of Rights, reported a draught for that purpose, which, being read, was ordered to lie on the table for further consideration.

A letter was read from Capt. Falconer, one of the new elected council of safety, informing the House that he cannot, consistent with his other public engagements, possibly serve in that station, and praying that another member might be elected in his room.

On motion, Ordered, That the ordinance reported yesterday by the committee for declaring what is treason, &c., be recommended to the same gentlemen for amendment.

The committee appointed to fix the quotas for the four additional battalions, made a report, which was read, and ordered to lie on the table for further consideration.

The report of the committee for instructions to the delegates in Congress was read the first time and ordered to lie on the table for further consideration.

The committee appointed to draw an ordinance respecting the release of Col. Easton, reported a draught for that purpose, which was read the first time and ordered a second reading to-morrow.

On motion, Ordered, That Col. Matlack, Mr. Cannon, Col.

Potter, Mr. Rittenhouse, Mr. Whitehill and Col. Galbreath be added to the committee for bringing in an essay for a frame of government.

Adjourned to to-morrow morning, nine o'clock.

Friday, July 26, 1776, A. M.

The House met, pursuant to adjournment.

A letter was read from General Roberdeau, dated July 24, 1776, at Amboy, complaining of the slowness with which the militia of this State come in, and desiring that some gun-screws be sent for the use of the troops. The convention apprehends that they have done everything, at present in their power, to expedite the march of the forces of this State. With respect to the gun-screws, that matter is referred to the council of safety.

Upon motion, Ordered, That Colonel Hill, Colonel Lowrey and Mr. John Hart be a committee to examine the situation of the funds of this State, and make report of what sums are in the hands of the treasurer and late committee of safety, and also what debts are yet due and unpaid by the State.

The report of the committee for the Declaration of Rights was again read, and a motion was made and seconded that the same be recommitted, but the previous question being called for, it was, thereupon

Resolved, That the question be not now put on the said motion.

Adjourned to three o'clock in the afternoon.

Friday, July 26, 1776, P. M.

The House met, pursuant to adjournment.

The ordinance for the release of Col. James Easton was read and ordered to be engrossed for a third reading.

Upon motion, Resolved, That the minutes of this convention be published weekly in English and German, and that this House will appoint a committee to superintend the publication.

The House resumed the consideration of the report of the Declaration of Rights, and after some considerable time spent therein, it was,

Upon motion, Resolved, That the said report be recommitted to the same committee who were originally appointed thereon.

The committee appointed to bring in an ordinance for delivering the gaols of this State, now presented an essay for that purpose, which, being read, was ordered to lie on the table for a second reading.

The draught of instructions for the delegates in Congress was read and unanimously approved, and is as follows, viz.:

In Convention, Philadelphia, July —, 1776.

Gentlemen: This convention, confiding in your wisdom and virtue, has, by the authority of the people, chosen and appointed you to represent the free State of Pennsylvania in the Congress of the United States of America, and authorized you, or a majority of such of you as shall at any time be present, to vote for and in the name of this State in all and every question there to be decided; and this convention apprehend it to be a duty which they owe the public to give you the following general directions for your conduct, confident that you will at all times pay the utmost attention to the instructions of your constituents.

The immense and irreparable injury which a free country may sustain by, and the very great inconveniences which always arise from a delay of its councils, induce us, in the first place, strictly to enjoin and require you to give not only a constant but a punctual attendance in Congress.

The present necessity of a vigorous exertion of the united force of the Free States of America against our British enemies is the most important object of your immediate regard, and points out the necessity of cultivating and strengthening, by every means in your power, the present happy union of these states, until such a just, equal and perpetual confederation can be agreed upon and finally effected as will be the most likely to secure to each the perfect direction of its own internal police: In the forming of which confederation you are to give your utmost assistance.

We recommend to you to use your utmost power and influence in Congress, to have a due attention paid to the establishing and maintaining a respectable naval force, as such a force is absolutely necessary to every trading nation, and is the least expensive or dangerous to the liberties of mankind.

With respect to the forming of treaties with foreign powers, it is necessary only to say that we strictly charge and enjoin you not to agree to or enter into any treaty of commerce or alliance with Great Britain, or any other foreign power, but (on the part of America) as free and independent states. And that whenever Great Britain shall acknowledge these States free and independent, you are hereby authorized, in conjunction with the delegates of the other United States, to treat with her concerning peace, amity and commerce, on just and equal terms.

Adjourned to ten o'clock to-morrow morning.

Saturday, July 27, 1776, A. M.

The convention met, pursuant to adjournment.

On motion, Ordered, That Mr. Edward Cook be added to the committee appointed to confer with the Virginia delegates.

Two several petitions, the one from John Williams, the other from James Forbes and William Patton, prisoners in the gaol of Lancaster county, praying relief, were read, and the convention being of opinion that their cases will be provided for in the ordinance brought in for the relief of prisoners in general, they were ordered to lie on the table.

A letter from the committee of Lancaster county being read, was ordered to be referred to the council of safety.

On motion, Ordered, That Colonel Hill and Mr. Hubley be a committee to revise the minutes of this House, and superintend the printing them in English and German.

The House resumed the consideration of the report of the committee for the quotas for the additional battalions, and after some debate thereon, agreed to postpone the same till another day.

The ordinance for the release of Colonel James Easton being

engrossed, was read a third time, and ordained in the following words, viz.:

[Printed in full in text. See page 12.]

The committee appointed to bring in an essay of the Declaration of Rights, and to whom the same was recommitted, reported a new draught thereof, which being in part read by paragraphs, and debated upon for some time, was postponed for further consideration.

Adjourned to nine o'clock Monday morning.

MINUTES OF THE CONVENTION FOR THE STATE OF
PENNSYLVANIA.

FROM MONDAY, JULY 29, TO FRIDAY, AUGUST 1, 1776.

Monday, July 29, 1776, A. M.

The convention met, pursuant to adjournment.

The House resumed the consideration of the draught of the Declaration of Rights and went through the same by paragraphs. Whereupon, it was

Ordered, That Colonel Hill and Mr. Hubley procure to be printed ninety-six copies of the said draught, for the further consideration of the members of this House.

Adjourned to three o'clock to-morrow afternoon.

Tuesday, July 30, 1776, P. M.

The convention met, pursuant to adjournment.

Application being made to this House, by the council of safety, that this convention would determine the matter respecting the command of the fleet of this State, it was, after debate,

Ordered, That the consideration of the said application be postponed.

On motion, Resolved, That on Saturday next the members of this convention will visit the fortifications, the ships, floating battery, gallies, &c., at Fort Island.

A memorial from the Committee of Inspection, and a petition from many of the inhabitants of the county of Northumberland were read, praying the assistance of this convention to provide against the expected hostilities of the Indians. Ordered to lie on the table.

Adjourned to nine o'clock to-morrow morning.

Wednesday, July 31, 1776, A. M.

The convention met, pursuant to adjournment.

The consideration of the draught of an ordinance brought in for the relief of the prisoners confined in the several gaols of this State was resumed, and the same being read by paragraphs, debated upon and amended, was ordered to be transcribed for a third reading.

On motion, Resolved, That the council of safety be empowered and directed to transact the business specially referred to the committee of this House, appointed on the 18th day of July instant, to confer with a committee of the Honorable Congress.

The consideration of a draught of an ordinance brought in for punishing the counterfeiting the paper currency of America, was resumed, and the same being read by paragraphs, debated upon and amended, was ordered to be transcribed for a third reading.

Adjourned to three o'clock in the afternoon.

Wednesday, July 31, 1776, P. M.

The convention met, pursuant to adjournment.

The petition of William Nichols was read, and ordered to be referred to the overseers of the poor to take care of the petitioner.

The petitions of Mathew Knox and William Caldwell were read, and the House apprehending that the cases of the petitioners will be provided for in the general ordinance for the relief of prisoners, they were ordered to lie on the table.

The House resumed the consideration of the petition and memorial from Northumberland, and it was

Moved and Ordered, That Colonel Kirkbride, Colonel Lowrey, Mr. Arndt, Colonel Potter and Major James Smith, of Westmoreland, be a committee to inquire into the facts set forth in the memorial and petition from Northumberland, and report thereon to this House.

The ordinance respecting treason was read by paragraphs, and after some time spent thereon, the further consideration of it was postponed.

Adjourned to to-morrowing morning, nine o'clock.

Thursday, August 1, 1776, A. M.

The convention met, pursuant to adjournment.

The engrossed copies of the draughts of the two proposed ordinances, the one entitled "An ordinance for the relief of the prisoners in the several gaols in the State of Pennsylvania," the other, entitled "An ordinance to prevent the counterfeiting the paper-money issued by the Honorable the Continental Congress, or by this or any other of the United American States," were read and compared at the table, and passed into ordinances, and ordered to be signed by the vice president.

These ordinances are in the following words, viz.:

[Printed in full in text. See page 5.]

"An ordinance to prevent the counterfeiting the paper-money issued by the Honorable the Continental Congress, or by this or any other of the United American States."

[Printed in full in text. See page 8.]

On motion, Resolved, That this convention will to-morrow morning resolve itself into a committee of the whole house, in order to take into consideration some important matters relative to the proposed new frame of government.

Also Ordered, That every member of this convention be punctual in his attendance at the House to-morrow morning.

The committee appointed to consider the petition and memorial from Northumberland county reported that the facts therein set forth are well supported by evidence, and, therefore, recommend the immediate consideration thereof to this convention. And the House having deliberated thereon, it was

Resolved, That it is the opinion of this convention that the inhabitants of the said county and county of Northampton are greatly exposed to Indian incursions, without being able to make a proper defense, on account of the scattered situation of the inhabitants, they being settled in such manner as to be unable to afford each other necessary assistance.

Resolved, That it is the opinion of this convention, that it will be proper to raise and keep up a body of troops for the defense of the frontiers, not only of the county of Northumberland, but also of the county of Northampton, the latter county being equally exposed to Indian incursions.

Resolved, That it is the opinion of this convention that the defenseless situation of those parts of our frontiers be made known to Congress, by the delegates of this State, and that they further inform them that the battalion ordered to be raised for defense of the western frontiers can afford no assistance to those two counties, and that the quota of militia of Northampton first required for the flying camp, is already marched, and the residue of the militia is about to march agreeable to the late request of Congress, by which means they will be without the least defense, and request Congress to take these matters into their consideration.

The draught of an ordinance for punishing high treason was read a second time by paragraphs; ordered to be transcribed for a third reading.

Adjourned to three o'clock in the afternoon.

Thursday, August 1, 1776, P. M.

The House met, pursuant to adjournment.

Adjourned to nine o'clock to-morrow morning.

Friday, August 2, 1776, A. M.

The convention met, pursuant to adjournment.

A memorial from the inhabitants of Turkey Foot township, in Bedford county, setting forth their opinion respecting the intended new frame of government, was read and ordered to lie on the table.

The order of the day was then read, and the convention, in consequence thereof, resolved itself into a committee of the whole house.

Colonel Joseph Kirkbride was called to and assumed the chair.

After a very considerable time spent in deliberation, the president resumed the chair, and then Colonel Kirkbride, the chairman of the committee reported

That it was the opinion of the said committee that the future legislature of this State shall consist of one branch only, under proper restrictions.

Whereupon, it was moved and Resolved, That the future legislature of this State shall consist of one branch only, under proper restrictions.

Adjourned to Monday morning, nine o'clock.

MINUTES OF THE CONVENTION FOR THE STATE OF PENNSYLVANIA,

FROM MONDAY, AUGUST 5, TO SATURDAY, AUGUST 10, 1776.

Monday, August 5, 1776, P. M.

The convention met, pursuant to adjournment.

On motion, Resolved, That when any member shall be absent above half an hour after the time of adjournment, or shall leave the House without permission first obtained, he shall be fined seven shillings and six pence, if there shall be a quorum then met. And if there shall not, within another half hour,

appear a quorum, then each absent member shall be fined ten shillings as soon as a quorum appears. The said fines to be given to the hospital.

And also, that Mr. James M'Clain collect the said fines.

The report of the committee for enquiring into the state of the public funds, was read,

Ordered to lie on the table for the consideration of the members.

The House resumed the consideration of the application made to this convention by the Council of Safety, to determine the matter respecting the command of the fleet of this State:

Whereupon it was moved and seconded,

That the said determination be referred wholly to the said Council of Safety; and that the officers and others in the naval and land service of this State ought not, in all cases, to rise in command according to seniority, although proper regard should be had to that circumstance in promotions where there are equal merit and equal military abilities. And that the council of safety of this State shall have full authority to use their best discretion, so as most effectually to promote the service. And all officers and others are hereby required and strictly enjoined to give and pay full and implicit obedience to their regulations and orders.

But the previous question being called for and seconded, it was thereupon

Resolved, That the question be now put on the said motion.

Jacob Garrigues, the assistant clerk, now appearing took the affirmation required by a former minute.

On motion, Resolved, That Mr. Rittenhouse, Col. Antis, Mr. Samuel Smith, Mr. John Hart, Major Marsteller, Mr. Edgan, Mr. Duffield, Mr. Shoemaker, Mr. Gray, Mr. Wilkins, Mr. Kelley and Major James Smith be a committee to bring in an ordinance for regulating the militia of this State, so as to render the burthens and expenses of the associators and non-associators as nearly equal as possible.

On motion, Ordered, That Colonel Jacob Morgan be re-appointed one of the committee for bringing in an essay for a frame of government, in the room of Mr. Leshner, who is absent.

Moved and Resolved, That Mr. Biddle, Colonel Hill and Mr. Hubley be a committee to bring in an ordinance to regulate the sale of tea and salt in this State.

Moved and Resolved, That Mr. Biddle, Colonel Hill and Mr. Hubley be a committee to bring in an ordinance respecting the salt imported by Joshua Fisher and Sons.

Adjourned to three o'clock to-morrow afternoon.

Tuesday, August 6, 1776, P. M.

The convention met, according to adjournment.

On motion, Resolved, That Colonel Potter, Colonel Galbreath and Mr. Hubley be a committee to consider the granting of commissions for the officers of the flying camp.

A petition from Thomas Wigton, now a prisoner in the gaol of Northampton county, was read, complaining of his arbitrary imprisonment by Mr. Gordon and Mr. Berlin, and, thereupon, it was

Resolved, That Colonel Lowrey, Mr. Arndt and Mr. Rabson be a committee to enquire into the truths of the facts therein set forth.

Moved, That a Committee be appointed to bring in an ordinance for regulating the militia of this State, but the previous question being called for, it was thereupon

Resolved, That the question on that motion be not now put.

Application being made to this House by the deputy quartermaster general in this city for directions with respect to quartering the troops marching through same, the consideration thereof is referred to the council of safety.

On motion, Ordered, That Mr. Schlosser be added to the committee appointed for regulating the militia, &c.

Adjourned to three o'clock to-morrow afternoon.

Wednesday, August 7, 1776, P. M.

The convention met, pursuant to adjournment.

Mr. William Cook appearing in the House for the first time, took the oath, and made and subscribed the profession of faith.

Leave of absence for three days (on special occasions) was given to Major Marsteller.

A letter from Colonel Bird, of the Berks county militia, respecting a dispute between him and some of the other officers of that county was read, and thereupon it was

Resolved, That Colonels Bird and Old be ordered to march with the companies under their respective command to New Jersey, and continue to command them until the return of the militia, subject to such regulations as this convention or the council of safety may hereafter establish in that particular affair, on hearing the parties.

A letter from the field officers of the Third Battalion of Northampton county, respecting the want of arms and ammunition for that corps, and the danger of Indian incursions on that frontier county, was read and ordered that the same be referred to the council of safety.

The committee appointed to examine the facts set forth in the petition of Thomas Wigton report that the said Wigton was released before the appointment of the committee and that nothing further is necessary to be done thereon.

On motion, Resolved, That Colonel Hill, Mr. Whitehill, Mr. Gray, Colonel Thomas Smith and Colonel Potter be a committee to consider the most effectual and expeditious measures for raising the quota of this State for the flying camp. And that it be an instruction to the said committee to enquire of the delegates to Congress from Maryland and the Delaware Counties, what measures have been taken by those States for the raising their proportions.

Adjourned to nine o'clock to-morrow morning.

Thursday, August 8, 1776, A. M.

The convention met, pursuant to adjournment.

A member observing that this was a day appropriated by a very respectable religious society for humiliation and prayer, it was thereupon

Resolved, That this convention do adjourn to nine o'clock to-morrow morning.

Friday, August 9, 1776, A. M.

The House met, pursuant to adjournment.

The committee appointed to consider of the most effectual means to raise the quota for the flying camp, &c., reported a draught of an ordinance for that purpose, which was read, and ordered to lie on the table for a second reading to-morrow.

A letter from Colonel John Dickinson, dated Elizabethtown, August 6, 1776, to this convention, relating to the uneasiness of the first battalion of the Pennsylvania militia, was read.

A report from the committee appointed to consider of the granting commissions to the officers of the flying camp was read, recommending that blank commissions should be signed by the president of this convention and sent to General Roberdeau. After some debating thereon, the consideration thereof was ordered to be postponed.

A second petition of Thomas Wigton, complaining of his imprisonment in Easton gaol was read and ordered to lie on the table.

On motion, Ordered, That two thousand copies of the particulars of the rations allowed for the flying camp be printed and dispersed among the men.

Upon a motion to resume the consideration of the draught of the Declaration of Rights, it was agreed that the same be postponed to Tuesday next.

On motion, Resolved, That Colonel Hill, Colonel Kirkbride, Mr. Cunningham, Colonel James Smith, Mr. Hoge and Colonel Potter be a committee to bring in a draught of an ordinance, appointing certain persons therein to be named, in the city and several counties of this State, to preserve the public peace, under the name of conservators of the peace; and that it be an instruction to the said committee to insert therein the names of the council of safety as conservators of the peace throughout the whole State, and also the names of such per-

sons for the city and the several counties, respectively, as shall be respectively nominated by the members of this House for the city and several counties. And that the said committee shall frame a test to be taken by each of the said conservators before he acts in the said office.

The petition of David Greedy was read and ordered to lie on the table.

Whereas the time for which the committee of inspection and observation for the city and liberties of Philadelphia, as well as the times for which the committees of several of the counties of this State were elected into that office are near expiring. And Whereas, The associators of the said city and counties, who compose a great majority of the electors are, or may be, at such expiration, absent in the service of their country, and it would be highly inexpedient that the said city or counties should either be without such committees or that they should be partially elected.

Resolved, therefore, That the present committees of the said city and counties, respectively, shall continue to execute the duty of their said offices until the militia of such city and counties, respectively, shall return, and other committees be regularly chosen, excepting from this resolve the committees of the counties of Cumberland, Bedford, Northumberland and Westmoreland.

On motion, Resolved, That no tavernkeepers or others take out any licenses from the officers of the late government of this State.

Adjourned to nine o'clock to-morrow morning.

Saturday, August 10, 1776, A. M.

The convention met, pursuant to adjournment.

According to the order of the day, the draught of the ordinance respecting the flying camp was read by paragraphs, and, after long debates thereon, the House came to the following resolutions:

1st. Resolved, That the commanding officers of the several

battalions in the respective counties of this State immediately march into Jersey, with their whole battalions.

2d. Resolved, That the associators of the counties of Bedford, Northumberland, Northampton and Westmoreland and the Guards of the City of Philadelphia, retained by the council of safety, and two companies of Col. Ross's battalion, and two companies of Colonel Slough's battalion of about fifty men each, left to guard the prisoners, and about sixty carpenters and workmen retained by the committee of Lancaster, be excepted out of the foregoing resolve.

3d. Resolved, That a bounty of three pounds be paid to every associator who has entered or will enter into the service in the flying camp, to continue until the first day of January next, if not sooner discharged, excepting such as have already received a bounty.

4th. Resolved, That such battalions as have or shall furnish their quotas for the flying camp and have been in actual service six weeks, shall be permitted to return home—if the generals and field officers shall judge it consistent with the public safety. And when the whole cannot be permitted to return, furlows are to be granted in cases of particular necessity.

5th. Resolved, That three commissioners be appointed to go to headquarters in Jersey to form the Flying Camp.

6th. Resolved, That the commissioners, with the field officers of the counties respectively, shall nominate the officers for the flying camp, where they are not already nominated.

7th. Resolved, That money be put into the hands of the commissioners for the purpose of paying the bounty.

On motion, Ordered, That Colonel Hill be one of the committee for considering of the quotas for the additional battalions for the flying camp, in the room of Major Loller.

Ordered, That the secretary transmit the resolves to General Roberdeau.

Adjourned to ten o'clock on Monday morning.

MINUTES OF THE CONVENTION FOR THE STATE OF PENNSYLVANIA,

 FROM MONDAY, AUGUST 12, TO SATURDAY, AUGUST 17, 1776.

Monday, August 12, 1776, A. M.

The convention met, pursuant to adjournment.

A letter from Colonel Dickinson, informing of the desertion of two soldiers of his battalion, was read, and ordered to be referred to the council of safety.

Letters from General Mercer and Colonel Dickinson, relative to the desertions of the militia, were, by order of Congress, laid before this House.

Mr. Vice-President, Colonel Matlack and Colonel Slagle were chosen by ballot commissioners to go to Headquarters, in Jersey, to form the Flying Camp.

A petition from Major Loxley was read, praying this House would be pleased to appoint a committee for him to consult with on the business committed to his charge. Upon consideration, the same was referred to the council of safety.

The House resumed the consideration of the report of the committee appointed to fix the quotas of the four additional battalions for the Flying Camp; and, upon a motion, it was

Resolved, That the House do approve the same.

The said report is as follows, viz.:

	Men.
The city of Philadelphia,	628
The county of Philadelphia,	160
Bucks,	100
Chester,	160
Lancaster,	323
Berks,	240
York,	515
Northampton,	278
Cumberland,	580
	<hr/>
	2,984
	<hr/>

Moved and Resolved, That the secretary furnish the members of this House for the several counties in this State with copies of the resolves of last Saturday, in order that they may be transmitted to the several committees and by them to the commanding officers of the several battalions.

Adjourned to four o'clock P. M.

Monday, August 12, P. M.

The House met, pursuant to adjournment.

On motion, Resolved, That an order be drawn on the council of safety of this State for ten thousand pounds, in favor of the commissioners appointed to go to Headquarters, in Jersey, to form the Flying Camp, which money is to be applied by them to that service.

On motion, Resolved, That no associator of, or belonging to, this State, enlist any men to serve in the Flying Camp for any other county or city than that to which he belongs, until the quotas of such county or city is completed.

The petitions of the captains of the gallies of this State being read, it was, thereupon,

Resolved, That Mr. Schlosser, Colonel Hill, Mr. Samuel Smith, Mr. John Mackey, Col. Lowrey, Mr. Edgar, Mr. M'Clain, Colonel Morgan, Colonel Stroud, Mr. Thomas Coulter, Colonel William Cook and Mr. Edward Cook be a committee to hear the petitioners on the subject matter of their petitions; and the said committee are desired to take the earliest opportunity of attending to this business.

Two ordinances respecting the sale of salt and tea were read the first time and ordered to lie on the table for a second reading.

Adjourned to nine o'clock to-morrow morning.

Tuesday, August 13, 1776, A. M.

The convention met, pursuant to adjournment.

The House resumed the consideration of the report made

by the gentlemen appointed to consider the granting of commissions for the officers of the Flying Camp, and, after some amendments made therein at the table, it was agreed to in the following terms, viz.:

“That the commissions of the officers of this State, for the Flying Camp, should be granted by this convention, and that a number of blank commissions, signed by the president of the convention, be immediately prepared and delivered to the commissioners appointed to form the Flying Camp, to be by them, and the field officers of the respective battalions, filled up and delivered to the respective officers, having due regard to the time of the appointment of such officers.”

The order of the day was then read, and thereupon the draught of the Declaration of Rights being read, the House resolved itself into a committee of the whole.

Colonel Kirkbride was called to and assumed the chair, and after some considerable time spent in debating thereon, the president resumed the chair, when Colonel Kirkbride reported from the committee, that they had made some progress in the business referred to them, and desired leave of the House to sit again.

Adjourned to four o'clock P. M.

Tuesday, August 13, 1776, P. M.

The House met, pursuant to adjournment.

The president presented to the convention a petition from some of the inhabitants of Berks county to Congress, praying an exemption of weavers and blacksmiths from personal service, which was referred to this House by Congress. The same being read, was ordered to lie on the table.

The convention then resolved itself into a committee of the whole House. Colonel Kirkbride was called to and assumed the chair, and after some considerable time spent in debating and considering the draught of the Declaration of Rights, the president resumed the chair, when Colonel Kirkbride reported from the committee that they had made considerable progress

in the business committed to them, and desired leave of the House to sit again on Thursday next.

Adjourned to Thursday, the 15th instant, at nine o'clock in the morning.

Thursday, August 15, 1776, A. M.

The convention met, pursuant to adjournment.

The committee appointed to bring in an ordinance for rendering the burthens of associators and non-associators as equal as possible, reported a draught for that purpose, which, being read, the first time, was ordered to lie on the table for a second reading.

The committee appointed to hear the petitions of the captains of the gallies made a report in writing, which, being read, was ordered to lie on the table.

A member presented to the House the draught of an ordinance for regulating the militia of the frontier counties in case of Indian incursions, which, being read, was ordered to lie on the table.

The House then, agreeable to the order of the day, resolved itself into a committee of the whole, in order to resume the consideration of the draught of the Declaration of Rights. After some time spent in considering and deliberating thereon, the president resumed the chair, and Colonel Kirkbride reported, from the committee, that they had made some further progress in the business committed to them, but had not completed the same, and desired leave of the House to sit again in the afternoon.

Adjourned to three o'clock P. M.

Thursday, August 15, 1776, P. M.

The convention met, pursuant to adjournment.

A petition was read from Andrew Hagenbuck and William Stumpff, in behalf of themselves and others, inhabitants of the township of Albany, in the county of Berks, praying that the said inhabitants, being in a frontier country, and apprehensive

of an Indian war, may be excused from marching into Jersey. Ordered to lie on the table.

According to the order of the day, the convention resolved itself into a committee of the whole House. Colonel Kirkbride was called to and assumed the chair; after some further deliberation on the Declaration of Rights, the president resumed the chair, and Colonel Kirkbride, from the committee, reported that they had agreed to the report, which he then delivered into the House, and, being read, the further consideration thereof was postponed.

A petition from a number of the inhabitants of Chester county, praying that Colonel Lloyd's battalion may remain at home, which petition had been presented to the council of safety and is by them referred to this House, was read and ordered to lie on the table.

Upon motion, Resolved, That Colonel Potter be vice-president pro tempore of this convention.

Colonel Kirkbride moved that he might have leave to join his battalion at Amboy, and the question being put, it was carried in the negative.

Adjourned to ten o'clock to-morrow morning.

Friday, August 16, 1776.

The convention met, pursuant to adjournment.

Colonel Kirkbride again moved for leave of absence in order to visit his battalion at Amboy, till Monday, the 26th instant, and it was thereupon

Resolved, That he have the leave desired, but that this House expects his attendance at the time appointed.

A letter was read from Colonel Dickinson, at the camp complaining of the desertion of some of the associators, and praying that this Convention would provide some remedy in that case, whereupon the House agreed to the following resolutions, viz.:

Whereas, This convention hath received information that several associators of this State have deserted the camp in the face of the enemy, and returned home before the formation of the

Flying Camp, and without leave of their commanding officers, to the great danger of the public and evil example to others; it is, therefore,

Resolved, 1st, That all such associators as shall join their respective corps, at the camp from whence they came, in eight days from this date, with such arms and accoutrements as they may have brought away with them, shall be exempted from any punishment; and those who neglect so to do, shall be apprehended and sent, under a guard to the camp, there to be tried; and in case of absconding, or concealing their arms, that they be advertised in the public newspapers, and the reward of three pounds offered for apprehending every such person; and every associator who shall hereafter desert his colors, shall be treated as those who have already deserted, and neglect to join their respective corps, agreeable to this resolve.

Resolved, 2d, That the commanding officers of the companies or battalions of the militia of this State who are now on their march to New Jersey, do apprehend all deserters they may meet on the road, and convey them under a guard to the camp.

Resolved, 3d, That, notwithstanding the foregoing resolutions, it is not the intention of this convention to detain the militia unnecessarily from home. The associators are, therefore, assured that as soon as the Flying Camp is formed, and the public safety will admit, they shall be permitted to return home.

On motion, The petition from Chester county was read again, and rejected.

The House then resumed the consideration of the report of the committee, respecting the Declaration of Rights, which, being read by paragraphs, received the final assent of this convention, and is as follows, viz.:

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE
STATE OF PENNSYLVANIA.

1st. That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

2d. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understanding. And that no man ought or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against, his own free will and consent. Nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen on account of his religious sentiments, or peculiar mode of religious worship. And that no authority can or ought to be vested in, or assumed by, any power whatever that shall in any case interfere with, or in any manner control, the right of conscience, in the free exercise of religious worship.

3d. That the people of this State have the sole exclusive and inherent right of governing and regulating the internal police of the same.

4th. That all power being originally inherent in, and consequently derived from, the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

5th. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community, and not for the particular emolument or advantage of any single man, family or set of men who are a part only of that community, and that the community hath an indubitable unalienable and indefeasible right to reform, alter or abolish government in such manner as shall be by that community judged most conducive to the public weal.

6th. That those who are employed in the legislative and executive business of the State, may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

7th. That all elections ought to be free, and that all free men having a sufficient evident common interest with and attachment to the community, have a right to elect officers or be elected into office.

8th. That every member of society hath a right to be protected

in the enjoyment of life, liberty and property, and, therefore, is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto. But no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives. Nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto if he will pay such equivalent. Nor are the people bound by any laws, but such as they have in like manner assented to, for their common good.

9th. That in all prosecutions for criminal offenses, a man hath a right to be heard by himself, and his council, to demand the cause and nature of his accusation, to be confronted with the witnesses, to call for evidence in his favor, and a speedy public trial, by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty. Nor can he be compelled to give evidence against himself. Nor can any man be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

10th. That the people have a right to hold themselves, their houses, papers and possessions free from search or seizure; and, therefore, warrants without oaths or affirmations first made, affording a sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property, not particularly described, are contrary to that right and ought not to be granted.

11th. That in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred.

12th. That the people have a right to freedom of speech, and of writing, and publishing their sentiments; therefore, the freedom of the press ought not to be restrained.

13th. That the people have a right to bear arms for the defense of themselves and the State, and as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up. And that the military should be kept under strict subordination to and governed by the civil power.

14th. That a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep a government free. The people ought, therefore, to pay particular attention to these points in the choice of officers and representatives, and have a right to exact a due and constant regard to them, from their legislatures and magistrates in the making and executing such laws as are necessary for the good government of the State.

15th. That all men have a natural inherent right to emigrate from one State to another that will receive them, or to form a new State in vacant countries, or in such countries as they can purchase, whenever they think that thereby they may promote their own happiness.

16th. That the people have a right to assemble together, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances, by address, petition or remonstrance.

Adjourned to ten o'clock to-morrow morning.

Saturday, August 17, 1776.

The convention met, pursuant to adjournment.

The petition of James M'Connaughy was read and referred to the council of safety.

On motion, Ordered that the petition of the inhabitants of Albany township, in the county of Berks, be rejected.

On motion, Ordered, That all officers of the militia of this State, who are members of this convention, and all other members who are now absent without leave of this House, or whose times of leave of absence are expired, or who have an indefinite leave of absence, do immediately and without delay, attend their duty in this House. And that Colonel Bull be desired to signify this resolution to such of them, as he shall meet with, in his intended journey to the camp.

Ordered, on motion, That Colonel Bull have leave of absence in order to visit his battalion at Amboy, till Monday, the 26th instant.

Ordered, on motion, That the attention of this House be wholly confined, for the next ensuing week, to the consideration of the frame of government, the ordinance for making equal the burthens of associators and non-associators, and the ordinance for appointing conservators of the peace, unless such emergency should arise, as in the opinion of this House, should supersede these matters.

Moved and Resolved, That the fines to be incurred by the members of this House for non-attendance, or absenting from the House, without leave, shall be punctually collected by the gentlemen appointed, unless they shall give an excuse satisfactory to this House, and that messengers shall be from time to time, sent by order of this House, to compel the attendance of such members as shall, or do, absent themselves without leave, the expense of such messengers to be paid by the delinquents.

Adjourned to eight o'clock on Monday morning.

MINUTES OF THE CONVENTION FOR THE STATE OF PENNSYLVANIA,

FROM MONDAY, AUGUST 19, TO SATURDAY, AUGUST 24, 1776.

Monday, August 19, 1776.

The convention met, pursuant to adjournment.

On motion, Ordered, That this House will, on Monday next, the 26th instant, proceed to the election of members of the council of safety, in the room of those who have neglected or refused to attend that board.

A letter from General Roberdeau, dated Amboy, August 14th and 16th, was read and ordered to lie on the table.

At the same time was read an address made by the General, to the associators under his command, which being highly approved of by this House, was ordered to be printed in the English and German newspapers of this city.

The committee appointed to essay a frame or plan for the future government of this State, brought in a draught for that purpose, which being read, was ordered for consideration on Wednesday next, the 21st instant.

The ordinance for making equal the burthens of associators and non-associators, being read a second time, and about to be read, and debated by paragraphs, it was, on motion,

Resolved, That the said ordinance be recommitted to Mr. Cannon, Mr. Rittenhouse and Col. McPherson.

On motion, Ordered, That Mr. Hubley and Mr. Jacobs be added to the committee appointed to draw up an ordinance for creating conservators of the peace.

The report of the committee for enquiring into the petitions of the captains of the gallies, was read, and, thereupon it was

Resolved, That the said petitions, report and all things relative thereto, be referred to the determination of the council of safety, and that the most full and perfect submission be given by all concerned, to their decision.

Resolved, That the officers in the naval and land service of this State, ought not in all cases to rise in command according to seniority, although a proper regard should be had to that circumstance in promotions where there are equal merit and equal military abilities, of which the council of safety is to judge. And that the said council have full authority to use their best discretion herein, so as most effectually to promote the service. And all officers and others concerned, are hereby strictly required and enjoined to yield and pay full and implicit obedience to all their appointments, regulations and orders, at their peril.

Adjourned to eight o'clock to-morrow morning.

Tuesday, August 20, 1776, A. M.

The convention met, pursuant to adjournment.

The committee to whom the ordinance for making the burthens of associators and non-associators equal was recommitted, brought in a new ordinance for that purpose, which, being read, the convention resolved itself into a committee of the whole House in order for the greater freedom of debate thereon—Mr. David Rittenhouse was called to and assumed the chair. After some considerable time, the vice president resumed the chair, and Mr. Rittenhouse reported from the committee that

they had made some progress in the business committed to them, and prayed leave of the House to sit again in the afternoon. Whereupon, it was ordered that the committee have the leave desired.

Adjourned to three o'clock P. M.

Tuesday, August 20, 1776, P. M.

The convention met, pursuant to adjournment.

On motion, Resolved, That the delegates in Congress for this State do apply to the honorable the Continental Congress for the loan of one hundred thousand dollars, to be put into the hands of the council of safety, for the use of this State.

The convention resolved itself into a committee of the whole House, in order to consider further of the ordinance read in the morning. Mr. Rittenhouse was called to and assumed the chair; after a considerable time spent in debate, the vice president resumed the chair and Mr. Rittenhouse reported from the committee that they had made some further progress in the business committed to them, and desired leave of the House to sit again on some future day, which was given accordingly.

Adjourned to eight o'clock to-morrow morning.

Wednesday, August 21, 1776.

The convention met, pursuant to adjournment.

On motion, Resolved, That the secretary send messengers express for Mr. Wilkinson and Mr. Slaymaker, agreeable to the resolve of this House of the 17th instant, to require their immediate attendance in convention.

On motion, Resolved, That Captain Richard Peters be directed forthwith to appoint proper guards over the stores of Joseph and Stephen Sewell, under the direction of the committee of inspection of the city and liberties of Philadelphia, to prevent the removal of the salt stored therein.

The convention, according to the order of the day, resolved itself into a committee of the whole House, in order to take into

consideration the frame of government. Mr. Rittenhouse was called to and assumed the chair; after a very considerable time employed in debating and deliberating, the president resumed the chair, and Mr. Rittenhouse reported from the committee that they had made some progress in the business committed to them, and desired leave of the House to sit again to-morrow morning, which was given accordingly.

Mr. Crazart had leave of absence, to visit his sick family.

Adjourned to eight o'clock to-morrow morning.

Thursday, August 22, 1776, A. M.

The convention met, pursuant to adjournment.

Agreeable to the order of the day, the convention resolved itself into a committee of the whole House. Mr. Rittenhouse was called to and assumed the chair; after some time spent in deliberating on the frame of government, the president resumed the chair, and Mr. Rittenhouse reported from the committee that they had made some further progress in the business committed to them, but had not completed it; he, therefore, desired leave of the House to sit again in the afternoon, which was granted.

Adjourned to three o'clock in the afternoon.

Thursday, August 22, 1776, P. M.

The convention met, pursuant to adjournment.

The committee for bringing in an ordinance for appointing conservators of the peace, reported a draught for that purpose, which, being read the first time, was ordered to lie on the table for a second reading.

Agreeable to the order of the day, the convention resolved itself into a committee of the whole House. Mr. Rittenhouse was called to and assumed the chair; after some time spent in deliberating on the frame of government, the president resumed the chair, and Mr. Rittenhouse reported from the committee, that they had made some further progress in the busi-

ness committed to them, but had not completed it, and, therefore desired leave of the House to sit again to-morrow, which was granted.

Ordered, on motion, That Colonel Hill have leave of absence to visit his battalion, in Jersey.

Adjourned to nine o'clock to-morrow morning.

Friday, August 23, 1776, A. M.

The convention met, pursuant to adjournment.

A petition from John Smith and Benjamin Lewis, two languishing prisoners in the gaol of Philadelphia, praying relief from their confinement, was read, and, thereupon, it was

Ordered, That Mr. Cannon and Colonel William Cook be appointed to enquire into the petitioners' case and report thereon to this House.

Agreeable to order, the convention resolved itself into a committee of the whole House. Mr. Rittenhouse was called to and assumed the chair; after some time spent in deliberating on the frame of government, the president resumed the chair, and Mr. Rittenhouse reported from the committee, that they had made some further progress in the business committed to them, but had not completed it; he, therefore, desired leave of the House to sit again in the afternoon, which was granted.

Adjourned to four o'clock P. M.

Friday, August 23, 1776, P. M.

The House met, pursuant to adjournment.

According to the order of the day, the convention resolved itself into a committee of the whole House. Mr. Rittenhouse was called to and assumed the chair, and after some time spent in deliberating on the frame of government, the president resumed the chair, and Mr. Rittenhouse reported from the committee, that they had made some further progress in the business committed to them, but had not completed it; he, therefore, desired leave of the House to sit again, which was granted.

Mr. Thomas Jones had leave of absence for three days.
Adjourned to eight o'clock to-morrow morning.

Saturday, August 24, 1776.

The convention met, pursuant to adjournment.

Upon application made by the committee of inspection and observation for the city and liberties of Philadelphia, the House came to the following resolution, viz.:

Whereas, It appears to this convention, upon due enquiry and information of the circumstances, that the salt now in this city has been imported at low prices and under moderate insurance. And Whereas, Divers persons, in contempt of the just and wholesome regulations of the committee, &c., of Philadelphia, under directions of Congress, have continued to dispose of their salt at most exorbitant prices, to the great grievance and distress of their fellow-subjects of this State; it is, therefore,

Resolved, That the said regulations be hereby confirmed, and all persons whatever are hereby strictly enjoined to pay due obedience thereto. And the said committee are hereby authorized and directed to seize and take into their possession the salt belonging to such persons as have refused or shall refuse conformity to the regulations so established, or shall altogether withhold or refuse to sell their salt during the continuance of such regulations, allowing to the said persons, upon the sale thereof, the fixed and settled prices, first deducting the expenses incurred upon the sale.

And Whereas, It is but reasonable that every part of this extensive State should be accommodated, as nearly as may be, with their proportion of this article so justly esteemed a necessary of life, be it

Resolved, That the committee of Philadelphia are hereby further directed to distribute the salt that may as aforesaid come into their possession in equal quantities in the several counties, having regard to the respective numbers of inhabitants contained in the said counties.

The gentlemen appointed to examine into the cases of John

Smyth and Benjamin Lewis report that they are proper objects of the relief and commiseration of this House, and that they are gunlock-makers and willing to engage to work in the factory in this city; it is, thereupon,

Resolved, That the sheriff or gaoler of the city and county of Philadelphia do release and discharge the said John Smyth and Benjamin Lewis out of their or either of their custody, upon their signing a written agreement by which they, and each of them, engage to work at the gun-lock factory in this city.

Adjourned to eight o'clock on Monday morning.

MINUTES OF THE CONVENTION FOR THE STATE OF PENNSYLVANIA,

FROM MONDAY, AUGUST 26, TO SATURDAY, AUGUST 31, 1776.

Monday, August 26, 1776, A. M.

The convention met, pursuant to adjournment.

Colonel Clarke, representing to the House that his indisposition was so great that he could not continue to do his duty in this House without a recess of some time for his refreshment, obtained leave of absence for a few days.

Upon application of Colonels Galbreath and Lowrey, for leave of absence to visit their battalion at Amboy, it was

Resolved, That both have not the leave required, but that one of them may be permitted to go.

On motion, Ordered, That a letter be written to General Mercer, requesting him to grant leave of absence to such gentlemen who are members of this convention, and now in New Jersey under his command, in order that they may attend their duty in this House, provided such leave be compatible with the public safety.

Upon motion, Resolved, That as soon as Colonel Ross's bat-

talion of the militia of Lancaster county shall return into the **s**aid county, Colonel Slough be ordered to march his battalion, **i**mmediately on their arrival, to the camp in New Jersey. And **t**hat the secretary transmit a copy of this resolve to Colonel **S**lough.

The convention resolved itself into a committee of the whole House, in order to consider of the ordinance respecting the associators and non-associators. Mr. Rittenhouse was called to and assumed the chair; after some time, the president resumed the chair and Mr. Rittenhouse reported from the committee, that they had made some progress in the business referred to them, but not having completed the same, desired leave of the House to sit again in the afternoon, which was granted.

Adjourned to four o'clock P. M.

Monday, August 26, 1776, P. M.

The convention met, pursuant to adjournment.

Letters from General Roberdeau and Colonel Bull, from Amboy, requesting that Colonel Bull might have leave to stay in the camp, his presence being particularly necessary there, were read, and it was thereupon

Ordered, That Colonel Bull have leave to stay some time longer.

A letter from Colonel Matlack, at Amboy, respecting the Flying Camp was read and ordered to lie on the table.

Some resolves of Congress of the 23d of August instant, desiring this convention to recommend suitable persons for lieutenant colonel and major, and to appoint the captains and subalterns for the six companies to be raised for the counties of Northampton and Cumberland, was read and ordered to lie on the table for further consideration.

The convention then, agreeable to the order of the day, resolved itself into a committee of the whole House, in order to consider of the ordinance respecting associators and non-associators. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair and Mr. Ritten-

house reported from the committee, that they had made some further progress in the business referred to them, but not having completed the same, desired leave of the House to sit again on some future day, which was granted.

The vice-president informed the convention that the Honorable Congress had agreed to lend to this State the one hundred thousand dollars mentioned in the minute of the 20th of August instant, and that he had obtained an order on Michael Hillegas, Esq., the Continental Treasurer, for that sum. whereupon, it was

Resolved, That the president draw an order for thirty thousand dollars, part thereof, in favor of Colonel Kirkbride and Colonel M'Pherson, who are to deliver the same to Colonel Clarke, now on his journey to the camp in New Jersey, who is to deliver over the same to Colonel Matlack and Colonel Slagle, two of the commissioners appointed to form the Flying Camp.

The said order was accordingly drawn and signed by the president and delivered to Colonel Kirkbride and Colonel M'Pherson.

Adjourned to nine o'clock to-morrow morning.

Tuesday, August 27, 1776, A. M.

The convention met, pursuant to adjournment.

A petition from several of the inhabitants of Tulpehocken, in Berks county, praying that some of the associators in that part of the country may remain to protect them against the Indians and banditti, was read and referred to the council of safety.

A letter from General Mercer, to the President of the Congress, was read and referred to the council of safety.

The House resumed the consideration of the bill for the appointment of conservators of the peace, &c., and after some time it was ordered to be re-committed to the same committee, with the addition of Colonel Ross and Mr. Clymer.

Mr. Clymer informed the House that the artillery companies of this city, at Amboy, were desirous of being put on the same

footing with the other militia with respect to their being relieved after having served the usual time.

Ordered, That the request be referred to the council of safety.

Adjourned to three o'clock P. M.

Tuesday, August 27, 1776, P. M.

The convention met, pursuant to adjournment.

The House resumed the consideration of the bill for appointing conservators of the peace, and the same being read and debated by paragraphs, was ordered to be transcribed for a third reading.

Colonels Kirkbride and M'Pherson reported that they had received the thirty thousand dollars of Mr. Hillegas and paid them to Colonel Clarke, agreeable to the directions of yesterday.

Adjourned to nine o'clock to-morrow morning.

Wednesday, August 28, 1776, A. M.

The convention met, pursuant to adjournment.

Major William Coats, one of the members for Philadelphia county, appeared in the House for the first time, took the oath and made and subscribed the profession of faith required.

The House resumed the consideration of the salt belonging to Joshua Fishers and Sons, and thereupon came to the following resolve, viz.:

Whereas, A quantity of salt, belonging to Joshua Fisher and Sons, imported contrary to the non-importation agreement, remains stored under the care of the committee of inspection of the city and liberties of Philadelphia, and the same being an article of general use, and the present necessity thereof very urgent; therefore,

Resolved, That the said committee dispose of the said salt among the inhabitants of the city of Philadelphia, and the several counties of this State, in proportion to the reputed numbers in each, allowing to the owners a reasonable compensation for the same.

Adjourned to three o'clock in the afternoon.

Wednesday, August 28, 1776, P. M.

The House met, pursuant to adjournment.

The convention resolved itself into a committee of the whole House, in order to take into consideration the ordinance respecting associators and non-associators. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair, when the chairman reported from the committee, that they had made some further progress in the business committed to them, but not having quite finished the same, desired leave to sit again on some future day, which was granted.

The ordinance respecting treason and misprison of treason was read again, and ordered to be printed before it be finally passed.

Adjourned to nine o'clock to-morrow morning.

Thursday, August 29, 1776, A. M.

The convention met, pursuant to adjournment.

It was moved by a member for Northampton county that as the militia of that county was ordered not to march into Jersey, that, therefore, their second quota for the Flying Camp must be made up at home, and that it was necessary that the bounty money should be sent up thither. Whereupon, it was

Resolved, That the president draw an order on Michael Hillegas, Esq., for the sum of £834, to be paid to Mr. Neigle Gra and Major Jacob Arndt, to be by them transmitted to North

ampton county, in order to pay the bounty for the second quota for the Flying Camp for that county; which order was drawn accordingly and signed at the table.

The House then resolved itself into a committee of the whole, to consider of the draught of the frame of government. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair and Mr. Rittenhouse reported from the committee that they had made some further progress therein, but not having completed the same, desired leave to sit again in the afternoon, which was granted.

Adjourned to three o'clock this afternoon.

Thursday, August 29, 1776, P. M.

The convention met, pursuant to adjournment.

The House, agreeable to the order of the day, resolved itself into a committee of the whole, to consider of the draught of the frame of government. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair, and Mr. Rittenhouse reported from the committee, that they had made some further progress therein, but not having completed the same, desired leave to sit again to-morrow, which was granted.

Adjourned to nine o'clock to-morrow morning.

Friday, August 30, 1776, A. M.

The convention met, pursuant to adjournment.

The convention, agreeable to the order of the day, resolved itself into a committee of the whole House, to consider of the draught of the frame of government. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair and Mr. Rittenhouse reported from the committee, that they had made further progress therein, but not having completed the same, desired leave to sit again in the afternoon, which was granted.

Adjourned to four o'clock P. M.

Friday, August 30, 1776, P. M.

The convention met, pursuant to adjournment.

The convention, agreeable to the order of the day, resolved itself into a committee of the whole House, to consider of the draught of the frame of government. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair, and Mr. Rittenhouse reported from the committee, that they had made further progress in the business referred to them, but not having completed the same desired leave of the House to sit again to-morrow, which was granted.

Adjourned to nine o'clock to-morrow morning.

Saturday, August 31, 1776.

The convention met, pursuant to adjournment.

A petition from Peter Withington, praying to be appointed a captain of one of the companies to be raised in Northampton and Northumberland, was read and ordered to lie on the table.

A memorial of Stephen and Joseph Shewell, justifying their conduct with respect to their salt, was read and ordered to lie on the table.

The convention then resolved itself into a committee of the whole House, in order to take into consideration the frame of government. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair, and Mr. Rittenhouse reported from the committee, that they had made some progress therein, but not having completed it, desired leave to sit again, which was granted.

Colonel Kirkbride requested leave of absence to join his battalion at Amboy. Whereupon, it was

Ordered, That he have not the leave of this House.

Adjourned to nine o'clock on Monday morning.

MINUTES OF THE CONVENTION FOR THE STATE OF PENNSYLVANIA,

FROM MONDAY, SEPTEMBER 2, TO SATURDAY, SEPTEMBER 7, 1776.

Monday, September 2, 1776, A. M.

A number of the members met, but there not appearing a quorum,

Adjourned to three o'clock in the afternoon.

Monday, September 2, 1776, P. M.

The convention met, pursuant to adjournment.

A memorial from the committee of inspection of Cumberland county, setting forth the advices they had received from the frontier inhabitants, respecting their apprehensions of an Indian war, and praying that some of their militia might be permitted to remain at home for their protection, was read and ordered to be referred to the council of safety.

A petition from John Timmons, a prisoner confined in Carlisle jail, on suspicion of murder, asserting his innocence and praying to be admitted to bail, was read and ordered to lie on the table.

On motion, Ordered, That Col. Ross and Col. Thomas Smith be a committee to bring in an ordinance empowering the justices of peace in this State in certain cases, to compel debtors to give security to their creditors.

Adjourned to nine o'clock to-morrow morning.

Tuesday, September 3, 1776, A. M.

The convention met, pursuant to adjournment.

Mr. Hubley moved for leave of absence, but perceiving the House not inclined to grant his request, withdrew it, but, nevertheless, desired that it might be entered on the minutes.

A member informing the House that Col. M'Pherson had received an account of the loss of a son in the late battle on Long Island, and that he desired leave to visit his afflicted family on that melancholy occasion; it was thereupon

Ordered, That Col. M'Pherson have leave of absence.

The House then proceeded to the third reading of the ordinance for appointing justices of the peace in this state, which being compared at the table, was passed into an ordinance, and ordered to be signed by the president; the said ordinance follows in these words.

[Printed in full in text. See page 13.]

Passed in Convention, September 3, 1776, and signed by their order,

B. FRANKLIN, President.

Attest: John Morris, Jun., Secretary.

The House then resolved itself into a committee of the whole, in order to take into consideration the frame of government. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair, and Mr. Rittenhouse reported from the committee, that they had made some further progress in the business committed to them, but not having completed the same, desired leave to sit again in the afternoon, which was granted.

Adjourned to three o'clock in the afternoon.

Tuesday, September 3, 1776, P. M.

The House met, pursuant to adjournment.

The convention then resolved itself into a committee of the whole House in order to take into consideration the frame of government. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair, and Mr. Rittenhouse reported from the committee that they had made some further progress in the business committed to them, but not having completed it, desired leave to sit again to-morrow; which was granted.

Adjourned to nine o'clock to-morrow morning.

Wednesday, September 4, 1776, A. M.

The convention met, pursuant to adjournment.

A memorial from Messrs. Carahan and Proctor, two Colonels of the militia of Westmoreland county, informing that their two battalions wanted about 400 stand of arms, and also praying that this House would settle some mode of calling out the militia in case of invasion, was read, and

Ordered, To lie on the table.

A petition from Andrew Ledlie, of Easton, in Northampton county, complaining of great ill usage from some of the inhabitants of that town, on account, as he apprehends, of his attachment to the cause of liberty, was read, and ordered to be referred and recommended to the justices of the peace appointed for that county, to take immediate notice of the complaints of the said petitioner, and afford him all the redress and security which the nature of his case requires.

A petition from William Hardy, praying to be appointed the officer for this state to register those who shall be disabled in the service of the United States, agreeable to the resolve of Congress of the 26th of August last, was read, and referred to the future legislature of this state.

Ordered, That a messenger be sent to Benjamin Bartholomew, Esq., an absent member of this House, to compel his attendance on his duty in this House.

It being represented that, in the ordinance for constituting justices, there is no direction before whom the president of the council of safety shall be qualified as a justice of the peace for this state; thereupon it was

Ordered, That he take and subscribe the oath or affirmation required by said ordinance, before the Honorable the president of this convention.

The House resumed the consideration of the ordinance respecting treason and misprison of treason, and ordered the same to be engrossed for a third reading.

Adjourned to three o'clock in the afternoon.

Wednesday, September 4, 1776, P. M.

The convention met, pursuant to adjournment.

The House resolved itself into a committee of the whole, to take into consideration the frame of government. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair, and Mr. Rittenhouse reported from the committee, that they had made some further progress therein, but not having completed the same, desired leave of the House to sit again to-morrow, which was granted.

Adjourned to nine o'clock to-morrow morning.

Thursday, September 5, 1776, A. M.

The convention met, pursuant to adjournment.

Major Arndt informing the House that he had received an account that his son was wounded in the late battle on Long Island, and was now lying ill at Bergen, desired leave to visit him, which was granted on his promise to return as soon as he conveniently could.

The convention then resolved itself into a committee of the whole House, in order to resume the consideration of the frame of government. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair, and Mr. Rittenhouse reported, from the committee, that they had finished the business referred to them and were ready to report thereon.

A letter from Mr. Hancock, with some resolves of Congress of the third instant, requesting that this State would immediately send forward to New York all the aid they can in the present dangerous and critical state of affairs, was read and ordered to lie on the table for consideration.

Adjourned to half past three o'clock in the afternoon.

Thursday, September 5, 1776, P. M.

The House met, pursuant to adjournment.

The report of the committee of the whole House on the frame of government was now read, and thereupon it was

Ordered, That the president, Mr. Rittenhouse and Mr. Vanhorn be desired to revise the same and make such alterations therein, in method and style, without affecting the sense, as they may think proper, and, when that is done, to get four hundred copies printed for public consideration.

The House then proceeded to the third reading of the ordinance for treason and misprison of treason, which being compared at the table, was passed into an ordinance and ordered to be signed by the president. The said ordinance follows in these words:

[Printed in full in text. See page 18.]

Passed in convention, September 5th, 1776, and signed by their order.

B. FRANKLIN, President.

Attest: JOHN MORRIS, Jun., Secretary.

Adjourned to nine o'clock to-morrow morning.

Friday, September 6, 1776, A. M.

The convention met, pursuant to adjournment.

The convention resolved itself into a committee of the whole House, to consider of the ordinance respecting associators and non-associators. Mr. Rittenhouse was called to and assumed the chair; after some time the vice-president resumed the chair and Mr. Rittenhouse reported, from the committee, that they had essayed a draught of an ordinance respecting the associators and non-associators, which, being read, was ordered to lie on the table for a second reading.

On motion, Ordered, That Major Coats and Mr. Jacobs be a committee to enquire into the number of copies of the laws of Pennsylvania that was printed by order of the late government, how many of them have been disposed of and in what manner and what number of them remain in the hands of the printer, and make report to this House.

The House resumed the consideration of the resolves of Congress of the 23d of August, respecting the companies to be raised in the counties of Northampton and Northumberland.

And, upon motion, it was Ordered, That the delegates in

Wednesday, September 4, 1776, P. M.

The convention met, pursuant to adjournment.

The House resolved itself into a committee of the whole, to take into consideration the frame of government. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair, and Mr. Rittenhouse reported from the committee, that they had made some further progress therein, but not having completed the same, desired leave of the House to sit again to-morrow, which was granted.

Adjourned to nine o'clock to-morrow morning.

Thursday, September 5, 1776, A. M.

The convention met, pursuant to adjournment.

Major Arndt informing the House that he had received an account that his son was wounded in the late battle on Long Island, and was now lying ill at Bergen, desired leave to visit him, which was granted on his promise to return as soon as he conveniently could.

The convention then resolved itself into a committee of the whole House, in order to resume the consideration of the frame of government. Mr. Rittenhouse was called to and assumed the chair; after some time the president resumed the chair, and Mr. Rittenhouse reported, from the committee, that they had finished the business referred to them and were ready to report thereon.

A letter from Mr. Hancock, with some resolves of Congress of the third instant, requesting that this State would immediately send forward to New York all the aid they can in the present dangerous and critical state of affairs, was read and ordered to lie on the table for consideration.

Adjourned to half past three o'clock in the afternoon.

Thursday, September 5, 1776, P. M.

The House met, pursuant to adjournment.

The report of the committee of the whole House on the frame of government was now read, and thereupon it was

Ordered, That the president, Mr. Rittenhouse and Mr. Vanhorn be desired to revise the same and make such alterations therein, in method and style, without affecting the sense, as they may think proper, and, when that is done, to get four hundred copies printed for public consideration.

The House then proceeded to the third reading of the ordinance for treason and misprison of treason, which being compared at the table, was passed into an ordinance and ordered to be signed by the president. The said ordinance follows in these words:

[Printed in full in text. See page 18.]

Passed in convention, September 5th, 1776, and signed by their order.

B. FRANKLIN, President.

Attest: JOHN MORRIS, Jun., Secretary.

Adjourned to nine o'clock to-morrow morning.

Friday, September 6, 1776, A. M.

The convention met, pursuant to adjournment.

The convention resolved itself into a committee of the whole House, to consider of the ordinance respecting associators and non-associators. Mr. Rittenhouse was called to and assumed the chair; after some time the vice-president resumed the chair and Mr. Rittenhouse reported, from the committee, that they had essayed a draught of an ordinance respecting the associators and non-associators, which, being read, was ordered to lie on the table for a second reading.

On motion, Ordered, That Major Coats and Mr. Jacobs be a committee to enquire into the number of copies of the laws of Pennsylvania that was printed by order of the late government, how many of them have been disposed of and in what manner and what number of them remain in the hands of the printer, and make report to this House.

The House resumed the consideration of the resolves of Congress of the 23d of August, respecting the companies to be raised in the counties of Northampton and Northumberland.

And, upon motion, it was Ordered, That the delegates in

The Statutes at Large of Pennsylvania. [1 . . .]

Congress for Pennsylvania represent to that honorable board the difficulties which this House apprehends will obstruct the raising the men in the manner proposed by those resolves.

An ordinance, respecting advisedly writing and speaking against the American cause was read the first time and ordered to lie on the table for a second reading.

Adjourned to three o'clock in the afternoon.

Friday, September 6, 1776, P. M.

The convention met, pursuant to adjournment, and
Adjourned to nine o'clock to-morrow morning.

Saturday, September 7, 1776.

The House met, pursuant to adjournment.

Application was made to this convention, by the captain of a vessel who arrived here this morning with a cargo of salt, to know whether he was at liberty to dispose of it, without any regard to the regulations made respecting that commodity.

Whereupon, after debate, it was Resolved, unanimously, That this House will not, in any manner, interfere with the said salt, but that the owner has a right to sell or dispose of it, at such rates and to such persons, as he may think proper.

The House then proceeded to the second reading of the ordinance respecting associators and non-associators, and, after a considerable time spent in debating thereon by paragraphs,

Adjourned to nine o'clock on Monday morning.

MINUTES OF THE CONVENTION FOR THE STATE OF PENNSYLVANIA,

FROM MONDAY, SEPTEMBER 9, TO SATURDAY, SEPTEMBER 14, 1776.

Monday, September 9, 1776, A. M.

A number of the members met, but not being a quorum,
Adjourned to three o'clock in the afternoon.

Monday, September 9, 1776, P. M.

The convention met, pursuant to adjournment.

After the clause in the ordinance, respecting associators and non-associators, wherein it is ordained that non-associators shall pay at the rate of 20s. per month was carried in the affirmative, it was moved that the yeas and nays might be taken on that clause, and, thereupon, it was

Resolved, That the yeas and nays be not taken.

On motion, Ordered, That the president pro tem. draw an order on the treasurer for the sum of twelve pounds, in favor of William Sheed, door-keeper to this convention, for his wages till this time, being 48 days, at 5s. per diem.

The House proceeded in the further consideration of the bill respecting associators and non-associators, and after some time spent therein,

Adjourned to nine o'clock to-morrow morning.

Tuesday, September 10, 1776.

The House met, pursuant to adjournment.

A letter dated the 5th instant, at Kingsbridge, from Lieutenant-Colonel Broadhead, of the Pennsylvania forces, was read, giving a relation of the battle on Long Island, and a particular account of the behavior of the Pennsylvanians on that occasion, and of the wants of the soldiers, who had, most of them, lost their blankets, which they had thrown away in the engagement. This letter also contained the returns of the three regiments under his command, and some enquiries respecting the rank, &c., of the officers.

A letter dated the 5th instant, at Amboy, from Colonel Slagle, was read, complaining of his ill state of health, and desiring that another commissioner may be appointed in his stead.

A letter of the 31st of August, from the Indian Commissioners at Fort Pitt, was read, communicating the information they had received respecting the danger of an Indian war. Whereupon, it was

Resolved, That Colonel Thomas Smith, Col. Potter and Major

James Smith be a committee to confer with the Committee of Congress for Indian Affairs on that subject, and on the most proper mode of defending the frontiers.

Resolved, That Col. Matlack, Mr. Cannon, Mr. Rittenhouse, Mr. Whitehill and Mr. Edward Cook be a committee to take into consideration all the military affairs of this State, respecting the Flying Camp and the operations of the war to the eastward, and that they make an essay of such temporary regulations for the militia as may render it more effectual for the immediate public defense.

Colonel Matlack, one of the commissioners for forming the Flying Camp, being now returned, informed the convention, among other things, of the difficulties that had occurred with respect to the two companies of artillery of the militia of this State now at Amboy. And that, in order to relieve them as expeditiously as possible (after they had cheerfully staid considerably beyond the usual time) the commissioners had agreed to advance a month's pay, in addition to the bounty, to such as would enlist in that service. Whereupon, the House expressed their approbation of their conduct therein.

A member informed the House of some inconveniences and discouragements, which he had observed, arising from the small number of general officers belonging to this State, and desired that the convention would take that matter into consideration.

Adjourned to nine o'clock to-morrow morning.

Wednesday, September 11, 1776, A. M.

The convention met, pursuant to adjournment.

Some gentlemen of the committee of inspection for the city and liberties of Philadelphia, waited on the convention with an application from that board, setting forth that they had continued acting, by the direction of this House, now above four weeks beyond the time for which they were originally chosen, and that they proposed to dissolve themselves on Tuesday evening next. But that, previous thereto, they submitted to this House, whether a new committee should be chosen and, if

so, that then a new line of conduct should be drawn for them.

The House resumed the consideration of the ordinance respecting the burthens of associators and non-associators, and, after considerable time spent therein, it was re-committed to Mr. Cannon, Mr. Rittenhouse, Col. James Smith and Col. Matlack.

Adjourned to three o'clock in the afternoon.

Wednesday, September 11, 1776, P. M.

The convention met, pursuant to adjournment.

The House proceeded to the second reading of an ordinance respecting the advisedly speaking and writing against the American cause, which, being read and debated by paragraphs, was ordered to be engrossed for a third reading.

The committee appointed to bring in an ordinance respecting debtors giving security in certain cases, reported a draught for that purpose, which, being read, was ordered to lie on the table for a second reading.

The House then proceeded to the election of four members of the council of safety, in the room of Nathaniel Falconer, Jonathan B. Smith, Samuel Mifflin and Samuel Morris, Jun., when John Bayard, John Cox, Francis Gurney and Samuel Cad. Morris were chosen by ballot members of the said council of safety for this State.

A memorial of William Wild to the Congress, and by them referred to this House, is by this convention referred to the council of safety.

A petition of Lawrence Feagan, relating to the damage he sustained by reason of a riot among the soldiers at the barracks, was read, and ordered that the same be referred to the council of safety.

Adjourned to nine o'clock to-morrow morning.

Thursday, September 12, 1776, A. M.

The convention met, pursuant to adjournment.

The ordinance for obliging debtors to give security in certain

cases was read a second time, and after being debated by paragraphs, was ordered to be transcribed for a third reading.

Adjourned to three o'clock in the afternoon.

Thursday, September 12, 1776, P. M.

The convention met, pursuant to adjournment.

The ordinance respecting advisedly speaking and writing against the American cause was read for the third time and passed into an ordinance in the following words, viz.:

[Printed in full in text. See page 19.]

Passed in convention September 12, 1776, and signed by their order,

GEORGE ROSS, Vice-President.

Attest: JOHN MORRIS, Jun., Secretary.

Information being given to this Convention, that the battalion, or a part of the same, under the command of Colonel Peter Grubb, of Lancaster county, after having received one month's pay advance, and having also been supplied with a number of arms in this city, have returned home without marching into New Jersey, and without being discharged, and have taken the said arms with them,

Resolved, That the council of safety do forthwith make diligent and strict inquiry into this matter, and that they have power to call before them the colonel and such other officers of the said battalion as they shall judge necessary.

A petition from six captains of companies of Col. Montgomery's battalion of Chester county, Pennsylvania militia, complaining that they had not received their pay, and desiring the interference of this House was read and ordered to lie on the table.

The House resumed the consideration of the bill respecting associators and non-associators and, after some time spent therein,

Adjourned to nine o'clock to-morrow morning.

Friday, September 13, 1776, A. M.

The Convention met, pursuant to adjournment.

The House proceeded to the second reading of the ordinance respecting associators and non-associators, and the same being debated by paragraphs, was ordered to be transcribed for a third reading.

Adjourned to three o'clock in the afternoon.

Friday, September 13, 1776, P. M.

The Convention met, pursuant to adjournment.

The committee appointed to consider of the military affairs of this State, made their report in writing, which, being read, was ordered to lie on the table for consideration.

The ordinance compelling debtors to give security, being compared at the table, was read a third time and ordered to pass into an ordinance in the following words:

[Printed in full in text. See page 21.]

Passed in Convention, September 13, 1776, and signed by their order,

JAMES POTTER, Vice-president pro tem.

Attest: JOHN MORRIS, Jun., Secretary.

Two petitions from the townships of Upper and Lower Smithfield, Delaware and Hamilton, in the county of Northampton, praying a supply of ammunition, &c., were read and referred to the council of safety.

The House being informed that Mr. Swoope, the gentleman chosen the member of the council of safety for the county of York, had accepted the command of a battalion in the Flying Camp, now proceeded to the choice of another member for that county, when Colonel Joseph Donaldson was chosen by ballot to that office.

On motion, Resolved, That the members of the council of safety for this State, who have not hitherto made and subscribed the oath or affirmation of office, may take and subscribe

the same before any justice of the peace for the county wherein they respectively reside.

Resolved, That on Monday next this House will resume the consideration of the frame of government.

Adjourned to nine o'clock to-morrow morning.

Saturday, September 14, 1776.

The Convention met, pursuant to adjournment.

A return of such men of Colonel Montgomery's battalion of Chester county militia, who left the camp in New Jersey without regular discharges, was made to the House, and referred to the council of safety.

Whereas, from the letters received from the commissioners for Indian Affairs for the Middle Department, with the affidavit therein enclosed, there is too much reason to apprehend that the Indians have been encouraged by the agents of his Britannic Majesty to fall on the frontiers of these States; therefore, it behooves this Convention to take every prudent precaution for the safety of our western frontiers, and as, by the resolves of the late Assembly of this State, the council of safety have the sole power of calling out the associators within the same, but, by reason of the great distance of the frontier counties, and by reason that it may be absolutely necessary, at a very short warning, to order out the associators of the said counties, or such part of them, from time to time, as persons on the spot can only judge thereof,

Resolved, That the member of the council of safety for the county of Bedford, and Bernard Dougherty, William M'Comb, James Anderson and Robert Elliott, of the said county; and that the member of the council of safety for the county of Northampton, and Nicholas Dupui, David Deshler, Herman Schneyder and Arthur Lattimore, of the said county; and that the member of the council of safety for the county of Northumberland, and William M'Clay, Michael Troy, Walter Clark and Laughlin M'Cartney, of the said county; and that the member of the council of safety for the county of Westmoreland, and Samuel Sloane, William Lockray, John Giffen and

Christopher Trubey, of the said county, respectively, or a majority of them in each county, respectively, be, and they are hereby empowered to order or approve of the going out of such part of the associators as they may think necessary, in case of an actual invasion, to march to the protection of such part of the said counties as may be exposed to the depredations of the Indians, or to repel any attack which may be made by them, in the most effectual manner. And in case of any sudden invasions made by the Indians, and not otherwise, the captain or commanding officer of any company, in the said county, is hereby empowered to order out such part of his company as he may judge necessary for the purpose aforesaid. And in case any of the said counties should be invaded, the said members of the council of safety, and commissioners of the said other counties, respectively, are hereby empowered, as often as they shall judge necessary, to order out the associators, or a part of them, for the assistance of such county which may be so invaded. And the member of the council of safety, and his associates for the respective counties aforesaid, are hereby directed to make out the accounts of the pay, subsistence and necessary expenses of such associators as shall be called out as aforesaid, and lay the same before the council of safety or future Assembly of this State, in order that the same, appearing to them just and reasonable, may be paid.

The committee, who were appointed to confer with the honorable delegates in Congress, from the State of Virginia, on the settlement of a temporary boundary between the State of Virginia and this State, reported to the Convention, that they met the said delegates, who delivered to them the following resolve of the Convention of Virginia, and the following letter from the committee of safety of that State to their delegates, as their proposal on their subject. In answer to which the committee delivered the letter and proposal (which answer and proposal the committee approve of) in reply; to which they received the letter herein after last mentioned, by which it appears that the power of the honorable delegates, on this subject, is at an end. But, as they therein inform the committee, that they will, without delay, transmit their proposal to the Governor

and Council of Virginia, in order to be laid before the General Assembly of that State; this Convention having the utmost confidence that that honorable body will readily agree to any proposal that will settle the disputes in question, on the principles of justice and equity, do therefore warmly recommend the settlement of the said line, on these principles, to the future Assembly of this State. And, in the meantime, it is earnestly recommended to the inhabitants of that part of the country to forget their former heats and animosities, which were fomented by those who were equal enemies to both States, and to promote peace and harmony, and to cultivate a good understanding with one another, as they tender the liberty and happiness of both States, as well as of America in general, which can only be preserved by the union of all her sons.

Virginia, in Convention, June 15th, 1776.

Whereas, Disputes have for some time subsisted between the people settled under the government of this colony and others settled under the proprietors of Pennsylvania, which cannot be determined for want of having the boundary between the two countries settled and ascertained; and as the people are uncertain which government they ought to submit to, consequences of the most alarming nature are justly to be apprehended from a contention and clashing of jurisdictions between the magistrates and officers of the respective countries: For prevention whereof, and in order to restore peace and harmony to all those people: Resolved, That it be proposed to the General Assembly or Representatives of the people of the province of Pennsylvania, to agree to the following temporary boundary between the two countries, that is to say, from that part of the meridian of the head fountain of Potowmack, where it is intersected by Braddock's Road, along the said road to the great crossing of Youghagany; thence down the meadows of that river to the Chestnut Ridge; thence along that ridge to the easterly branch of Jacobs creek, otherwise called Greenlick-run; thence down the said run to Braddock's Old Road; thence along the same and the new road leading to Pittsburg, to a place called the Bullock Pens, now in the tenure of William

Elliott, and from thence a direct course to the mouth of Plumb-run, on the Allegheny river, above Colonel Croghan's. Which lines this Convention are of opinion will give most general satisfaction to the inhabitants, as it will nearly leave them in the respective country under which they settled. That the present inhabitants on either side the line ought quietly to enjoy their possessions, and be subject to the regulations of the government they will remain in, without considering under which they derive their title, until a final and ultimate boundary can be settled, when nothing, which may be done in consequence of this agreement shall tend to prejudice the titles of individuals or the claim of either country to a fair and equal boundary.

EDMUND PENDLETON, President.

JOHN TAZEWELL, C. C.

Ordered, That the committee of safety be desired immediately to transmit the foregoing resolution to the delegates appointed to represent this colony in General Congress, requesting them to negotiate the same on the part of this colony.

EDMUND PENDLETON, President.

JOHN TAZEWELL, C. C.

Williamsburg, June 17, 1776.

Gentlemen: The confusion which hath for some time happened amongst the people in the disputed lands between Pennsylvania and this colony, and a representation to the Convention that a civil war was likely to be the consequence if something was not done to prevent it, induced that body to take the subject into consideration, who were sorry to discover that a jealousy seemed to prevail in the governing powers of Pennsylvania, of our intending the garrisons on the Ohio to influence that dispute, and to over-awe their people. Whereas, we only mean by them to protect our people and those in the contested settlement from the danger they are exposed to of Indian ravages, without the most distant view to offer any injury to our friends and neighbors, with whom it is our inclination as well as interest to unite, a temporary boundary appeared to the Convention the only means of quieting the people, until we have leisure to refer the final decision to some

arbitrating power between us, and in fixing that, they judged, that to point a line which would most nearly leave the inhabitants in the country they respectively settled under, would be most likely to give general satisfaction; and having examined several gentlemen well acquainted with that country, who were of opinion that end would be answered by the line described in the enclosed resolution, they have resolved to propose that line to the Pennsylvania Assembly, and have commanded us to transmit it to you, requesting that you would negotiate the matter in such manner as you shall think most effectual.

We are, with great regard, gentlemen,

Your obedient humble servants,

EDMUND PENDLETON,
DUDLEY DIGGES,
P. CARRINGTON,
THOMAS LUD. LEE,
WILLIAM CABELL,
JOS. JONES.

To the Honorable the Virginia Delegates in Congress.

The committee of the Honorable Convention of the State of Pennsylvania, appointed to confer with the Honorable Delegates in Congress from the State of Virginia on the settlement of a temporary boundary between the said States are of opinion that the line proposed by the honorable delegates will be very wide from the true limits of Pennsylvania, according to the Charter. And as the State of Virginia in one of their most solemn acts, published as the future form of government for that State, and intending thereby to lay the most solid basis for union and confederation with the neighboring States, has "ceded, released and forever confirmed, to the people of this State all the territories contained within the charter erecting this colony, with all the rights of property, jurisdiction and government, and all other rights whatever," the proposing a temporary boundary, which would cut off so large a part from this State, seems inconsistent with the said full, free and absolute release, and instead of being the basis of union, would certainly be the occasion of much confusion; and as the minds

of the inhabitants of that part of the country are greatly agitated by the disputes between the two governments, we have reason to apprehend fatal consequences should a temporary boundary so apparently partial be agreed to, even upon the principle mentioned by the Honorable Convention of Virginia in their resolve, empowering their delegates to confer on this subject (supposing it equitable, which may be liable to dispute), the line proposed, we apprehend, cannot be admitted, and we are convinced that honorably body must have been misinformed as to the settlement of that part of the country which lies between the temporary boundary proposed and the true line. We can assure the honorable delegates that it is far from the wish of the people of this State to extend the same beyond its due bounds, it is equally far from their wish to establish a temporary jurisdiction confessed far within those bounds, as such a temporary boundary would, on many accounts, be productive of more confusion and greater inconveniences than if it was permanent and final.

Therefore, as the only means of restoring peace and unity amongst the inhabitants of the frontiers of each State, it is our earnest desire that a temporary boundary as nearly correspondent to the true one as possible, and such as will "do no injury to either party" should be run, which may be done in a very short time and at a trifling expense, with no considerable error by one or more commissioners appointed on the part of each State.

It will give us great pleasure should this proposal meet with the approbation of the honorable delegates, as such a settlement will enable the inhabitants to join heart and hand in the great cause wherein we are all equally interested.

DAVID RITTENHOUSE,
THOMAS SMITH,
ALEXANDER LOWREY,
OWEN BIDDLE,
JAMES POTTER,
EDWARD COOK."

The Virginia delegates have received the proposal for establishing a temporary boundary between the State of Virginia

The Statutes at Large of Pennsylvania.

and Pennsylvania, from the committee of the Honorable Convention of the State of Pennsylvania, and for answer say: That their power is ended, having been expressly limited to the line already proposed to the Honorable Convention of the State of Pennsylvania, as a temporary boundary. That they will, without delay, transmit the proposal of the honorable committee to the Governor and Council of the Commonwealth of Virginia, in order to its being laid before the General Assembly which meets early in October next, and in the meantime they wish the influence of both governments may be exerted to preserve friendship and peace between the people of both States on the controverted boundary.

THOMAS NELSON, JUN.,
RICHARD HENRY LEE,
FRANCIS LIGHTFOOT LEE.

Philadelphia, 12th September, 1776.

The House proceeded to the third reading of the bill respecting the burthen of associators, and the same being compared at the table was passed into an ordinance in the following words, viz.:

[Printed in full in text. See page 22.]

Passed in Convention, September 14, 1776, and signed by their order,

B. FRANKLIN, President.

Attest: JOHN MORRIS, JUN., Secretary.

Adjourned to two o'clock on Monday afternoon.

MINUTES OF THE CONVENTION FOR THE STATE OF PENNSYLVANIA,

FROM MONDAY, SEPTEMBER 16, TO SATURDAY, SEPTEMBER 21, 1776.

Monday, September 16, 1776, P. M.

The Convention met, pursuant to adjournment.

The House, agreeable to the order of the day, resumed consideration of the frame of government.

It was moved by Colonel Ross, and seconded by Mr. Clymer, that the first and second sections of the proposed frame of government be debated upon and amended. Whereupon, it was

Resolved, That the further debate on the second section is precluded, because it was fully debated and determined before, as appears by the minutes of the first and second of August last.

Moved and seconded, That the yeas and nays on any question in the frame of government shall be entered on the minutes, when it shall be requested by any four members, but, the previous question being put, it was determined that the question be not now put.

Adjourned to nine o'clock to-morrow morning.

Tuesday, September 17, 1776, A. M.

The Convention met, pursuant to adjournment.

The House resumed the consideration of the frame of government.

Adjourned to three o'clock in the afternoon.

Tuesday, September 17, 1776, P. M.

The Convention met, pursuant to adjournment.

The House resumed the consideration of the frame of government.

A member informed the House that there were now in town two Shawanese Indians who were soon about to return home, and proposed that the Convention should take some friendly notice of them, and embrace this opportunity of sending a message to the Shawanese Nation. Whereupon, it was

Ordered, That Mr. Jacobs, Col. Lowrey and Major James Smith be a committee to prepare a speech and wampum for a conference with the said Indians.

Adjourned to nine o'clock to-morrow morning.

Wednesday, September 18, 1776, A. M.

The Convention met, pursuant to adjournment.

The committee appointed to prepare a speech, &c., to the Shawanese Indians, reported a draught thereof, and that they had procured some wampum according to order. The said draught, being read, was approved.

On motion, Resolved, That the sum of forty dollars be given to the said two Indians as a present, but, the money not being now here, the gift and interview were deferred till to-morrow morning.

The House then resumed the consideration of the frame of government, and after some deliberation thereon, it was

On motion, Ordered, That Col. Matlack, Mr. Jacobs and Mr. Hubley be a committee to revise and bring in a substitute for the fifteenth section.

Adjourned to three o'clock in the afternoon.

Wednesday, September 18, 1776, P. M.

The Convention met, pursuant to adjournment.

The House resumed the consideration of the frame of government, and, after some considerable time employed therein,

Adjourned to nine o'clock to-morrow morning.

Thursday, September 19, 1776, A. M.

The Convention met, pursuant to adjournment.

The gentlemen appointed to revise and bring in a substitute for the 15th section of the bill reported a draught thereof, which was read.

The two Indians now attending, the president read to them the message to their nation, which, being translated by Colonel Lowrey, was delivered to them in writing, and is as follows:

The State of Pennsylvania, by their representatives in Convention, at Philadelphia, to their Brethren the Shawanese Indians:

Brethren! Listen to us!

We have been much pleased to see our brothers, the Shawanese, among us, and we hope they are well satisfied with their visit to our towns. They can tell you that we keep our roads open and clear from all bad weeds, briars and thorns.

A string.

Brothers!

We hope you will also be careful of your roads, and not suffer the evil spirit to interrupt our ancient friendship.

A string.

Brothers! Listen to us!

The great council of the Thirteen United States have appointed commissioners to speak to you, at Pittsburg, about our ancient friendship. We desire you will listen to them, and you may depend that your white brethren, who have grown out of this same big island with you, will hold fast the ancient covenant-chain of friendship entered into by our ancestors. And we desire, brethren, that you will not let our friendship go, but that you will be strong in the good work of peace, which you are invited to meet about at Pittsburg, and not listen to the evil spirit, which, you know, has been striving to make mischief between us, for we, on our parts, are resolved to preserve our ancient friendship with you. And we desire you will assist your white brethren of the United American States to live in peace with all nations. To confirm our words, we send, by our brothers, Wenthissica and Pellawa, this belt, which we desire you will shew in council to all our Indian brethren of every nation.

A belt.

After which the present of twenty dollars to each was made and thankfully received by them.

It was also, on motion,

Ordered, That it be recommended to the inhabitants of this State in general and particularly to the committees of the several counties, to treat with respect the bearers, Wentissica and Pellawa, two Shawanese Indians, and, if occasion should require, to afford them protection as they travel on their journey home, they being the bearers of a message from this Convention to their nation.

Some letters from the Commissioners for Indian affairs, at Fort Pitt, to the committee of Westmoreland county, and from the said committee to their members in this Convention, dated the 31st of August, and the 1st and 8th of September instant, relative to the danger of an Indian war, and requesting a supply of arms and ammunition, were read and ordered to be referred to the council of safety.

A letter from Colonel Kachlean, dated at Amboy, September 11th, 1776, informing of some deserters from his battalion of the Bucks county militia, was read and referred to the council of safety.

The House then resumed the consideration of the frame of government, and, after some time employed therein,

Adjourned to three o'clock in the afternoon.

Thursday, September 19, 1776, P. M.

The Convention met, pursuant to adjournment.

The House then resumed the consideration of the frame of government, and, after some time employed therein,

Adjourned to nine o'clock to-morrow morning.

Friday, September 20, 1776, A. M.

The Convention met, pursuant to adjournment.

A memorial from the committee of Northumberland, setting forth their apprehensions of an Indian war and the defenseless state of that frontier county, and praying the assistance of this House for their defense, was read and ordered to lie on the table for consideration.

Leave of absence was given to Colonel Clark to go and visit his battalion at Amboy.

Mr. Hay had leave to go home to see his sick family.

The House resumed the consideration of the frame of government, and, after some time spent therein,

Adjourned to three o'clock in the afternoon.

Friday, September 20, 1776, P. M.

The Convention met, pursuant to adjournment.

The House resumed the consideration of the frame of government.

On motion, Resolved, That the expenses of the two companies raised by the committee of Westmoreland, in consequence of Col. M'Coy's instructions preventing him from stationing his battalion in proper places, shall be liquidated and paid in the same manner as is directed by the resolves of this House of the 14th instant. And, that the council of safety be desired to send up, for their use, such a sum of money as they may think necessary.

Adjourned to nine o'clock to-morrow morning.

Saturday, September 21, 1776.

The Convention met, pursuant to adjournment.

The House resumed the consideration of the frame of government, and, after some time,

Adjourned to nine o'clock on Monday morning.

MINUTES OF THE CONVENTION FOR THE STATE OF PENNSYLVANIA,

FROM MONDAY, SEPTEMBER 23, TO SATURDAY, SEPTEMBER 28, 1776.

Monday, September 23, 1776, A. M.

The House met, pursuant to adjournment.

The Convention proceeded to the further consideration of the frame of government.

A letter from Amboy, from General Roberdeau, containing his sentiments on the regulations of the militia of this State, was read and ordered to lie on the table for consideration.

Adjourned to half past three o'clock in the afternoon.

Monday, September 23, 1776, P. M.

The House met, pursuant to adjournment.

On motion, Ordered, That Col. Matlack, Mr. Jacobs and Col. Thomas Smith be a committee to bring in the draught of a resolve for settling and regulating the general election for this present year.

The Convention resumed the consideration of the frame of government, and, after considerable time spent therein,

Adjourned to nine o'clock to-morrow morning.

Tuesday, September 24, 1776, A. M.

The Convention met, pursuant to adjournment.

A member of the council of safety acquainted the House that he was instructed by that board to inform them that it would be necessary to apply to Congress for a further loan of one hundred thousand dollars. Whereupon, it was

Resolved, That the delegates of this State in Congress be directed to apply to the Congress for the loan of one hundred thousand dollars on the credit and faith of this State.

Resolved, That the members of the late conference of committees be allowed the same mileage and wages as have been usually paid to the members of Assembly, and that the Treasurer of this State pay the same on the certificates of either of the secretaries of the said conference.

Resolved, That it be referred to the council of safety to pay such expenses as they think were justly incurred by the sending expresses to call together the people for choosing brigadier-generals.

Resolved, That the wardens of the city of Philadelphia do continue to exercise the duties of their said office as wardens

until the first Tuesday in November next, and until new wardens shall be chosen.

A memorial from Mr. Paul Fooks, respecting the appointment of a sworn interpreter for foreign languages and notary public, and desiring to be nominated to those offices, was read and ordered to be referred to the council of safety.

The House resumed the consideration of the frame of government, and, after some time spent therein,

Adjourned to three o'clock in the afternoon.

Tuesday, September 24, 1776, P. M.

The Convention met, pursuant to adjournment.

The House resumed the consideration of the frame of government, and, after some time,

Adjourned to nine o'clock to-morrow morning.

Wednesday, September 25, 1776, A. M.

The Convention met, pursuant to adjournment.

A letter from the Rev. Messrs. Duffield and Marshall, praying that the clergy of this State may be exempted from the burthen of civil officers, and setting forth their reasons for such exemption, was read and ordered to lie on the table for consideration.

A petition from the Rev. Messrs. Muhlenberg and Weyberg, praying for an addition to the forty-seventh article of the proposed frame of government, confirming the incorporations for promoting religious and charitable purposes, was read and ordered to lie on the table.

A letter from Colonel Hancock, President of Congress, to this Convention, informing of the late resolution of Congress for raising a number of additional battalions, and for enlisting the soldiers until the end of the war, and warmly requesting this House to take the most speedy and effectual measures for that purpose, was read and ordered to be taken into consideration in the afternoon.

The House resumed the consideration of the frame of government.

Ordered, That Mr. Cannon, Mr. Jacobs and Mr. Rittenhouse be appointed to prepare the draught of a preamble to the Declaration of Rights and Frame of Government, and of the oaths of allegiance and office, to be inserted in the said frame.

Adjourned to three o'clock in the afternoon.

Wednesday, September 25th, 1776, P. M.

The Convention met, pursuant to adjournment.

The House, agreeable to order, took into consideration the letter from Colonel Hancock, and, after some consideration, it was

Ordered, That Colonel Bull, Col. Matlack, Col. Potter, Mr. Hubley and Col. Clark be a committee to consider the said letter, and report thereon to this House.

The gentlemen appointed to draw up a preamble to the Declaration of Rights and Frame of Government reported an essay for that purpose, which was read and referred for further consideration.

They also reported an essay for the oaths and affirmations of allegiance, and of office, which, being read and amended at the table, were approved of, and ordered to be inserted in the Frame of Government.

Adjourned to nine o'clock to-morrow morning.

Thursday, September 26, 1776, A. M.

The Convention met, pursuant to adjournment.

The committee appointed to draw up the resolves respecting the elections for the present year, reported a draught for that purpose, which, being read and amended, was agreed to in the following words:

In Convention for the State of Pennsylvania.

Whereas, It is not convenient to hold the next election throughout this State, for choosing the elective officers thereof, on the day on which it will be most convenient to the people to hold their elections for the future. And this Convention

being desirous that the freemen of this State may, as soon as possible, enjoy the advantages of a free and established government, it is, therefore,

Resolved, That the next election of representatives in General Assembly, and of all other elective officers heretofore usually chosen on the first day of October, shall be held for the city of Philadelphia, and for the county of Philadelphia, and for every other county of this State on Tuesday, the fifth day of November next, and, except in the counties of Bedford, Northumberland and Westmoreland, at the places where the elections for representatives in this convention were held. The election for inspectors is to be held in the city of Philadelphia, and in each of the counties of this State, on Saturday, the second day of November next. The judges of the said elections shall be chosen and appointed by the inspectors on the day of election, and shall be subject to the life forfeitures and penalties for fraud or willful neglect as the sheriff would have been in the like case by the late laws of this State. The constables of the wards in the city of Philadelphia, and of the townships of the several counties of this State, shall give six days' notice of the election for inspectors. The judges, or one or more of them, shall, within two days following the election, meet at the courthouse of the respective counties in which elections shall be held in districts, and returns shall be made to them from the districts, of the names of the candidates, and number of votes for each. And the judges shall cast up the votes, and shall certify those, who are highest in votes, to be duly elected to the respective offices. And the elections shall, in all other matters, be held and carried on, as nearly as may be, according to the directions of an act of Assembly of the late government of Pennsylvania, made in the year one thousand seven hundred and sixty-six, entitled "An act directing the choice of inspectors, and for holding the general elections in this province." And in case any township or townships neglect to choose an inspector or inspectors, the other inspectors and the judge present at the election shall appoint an inspector or inspectors for such township or townships.

The freemen of the county of Bedford, shall vote in four

districts for this present year, as follows, viz.: The freemen of the first district, containing the townships of Bedford, Colerain and Cumberland Valley, at the court-house in the town of Bedford. Of the second, containing the townships of Bethel, Air and Dublin, at the house of John Burd, at Fort Littleton. Of the third, containing the townships of Barree, Hopewell and Frankstown, at Standing Stone. And of the fourth, containing the townships of Brothers Valley, Turkeyfoot and Quemachoning, at the house of John Kemberlin, near the junction of the said three townships.

The county of Northumberland shall be divided into four districts, to wit: The freemen of Augusta, Penns and Mahony townships shall meet at the town of Sunbury. Of Turbutt, Mahoning, shall meet at the town of Northumberland. Of Buffaloe, White-Deer and Potter, shall meet at Foutz's Mill, in Buffaloe township. And of Munsey and Bald-Eagle, shall meet at the house of Amariah Sutton, in Munsey township.

The electors of the county of Westmoreland shall hold their election in manner following, that is to say: The electors on the north side of Kiskemenetas and Cannemach shall hold their election at Captain Samuel Moorhead's mill. The second district shall be bounded by the Laurel Hill, Connemach, the Chestnut Ridge and Youghagany, and shall hold their election at Ligonier. The other electors in the said county not comprehended in the foregoing districts, shall hold their elections at the two places directed by the conference of committees for electing members of this convention.

Every elector, before his vote is received, shall take the following oath or affirmation, instead of that heretofore required, viz.: I do swear (or affirm) that I will be faithful and true to the Commonwealth of Pennsylvania, and that I will not, directly, do any act or thing prejudicial or injurious to the Constitution or Government thereof, as established by the Convention.

And the judges and inspectors of the said elections shall, besides the oaths prescribed in the law directing the choice of inspectors above-mentioned, take the oath of allegiance above recited. And

Resolved, That the said General Assembly, chosen in consequence of the foregoing resolves, shall meet at Philadelphia, on Tuesday, the nineteenth day of November next.

Adjourned to three o'clock in the afternoon.

Thursday, September 26, 1776, P. M.

The Convention met, pursuant to adjournment.

The committee appointed to consider of the matter contained in Colonel Hancock's letter, made their report in writing, which, being read, was agreed to by the House, and is as follows:

That three persons be commissioned immediately to repair to the several stations where any of the forces of this State now are, and obtain a full account of the strength and condition of the battalions raised in this State, except in the county of Westmoreland.

That the officers of these battalions, who shall appear to be qualified for their stations, be continued, if they shall enter to serve during the war.

That the vacancies occasioned by officers declining to serve, or which have happened, or may happen by other means, be filled by the council of safety, where it is necessary to be done before the sitting of the General Assembly.

That as many as possible of the soldiers, who are now in the service, be induced to enlist to serve during the war, and that persons be appointed to recruit the several battalions as soon as may be; and that the commanding officers of each battalion be directed forthwith to order out recruiting parties to complete their battalions.

That the commissioners be authorized to apply to Congress for money, from time to time, to pay the bounty as fast as the men may enlist in the service, to be accountable to the State.

That the commissioners be authorized to enquire into the conduct of the commissaries and other necessities, and particularly arms.

On motion, Ordered, That this House will to-morrow morning proceed to the election, by ballot, of the three commissioners recommended, by the above report to enquire, etc., into the condition of the troops raised in this State.

On motion, Resolved, That the commissioners for raising the Flying Camp account with the council of safety or future Assembly for such moneys as have been or shall be put into their hands for that purpose.

The House resumed the consideration of the draught of the preamble offered to them yesterday, and the same was agreed to.

Adjourned to nine o'clock to-morrow morning.

Friday, September 27th, 1776, A. M.

The Convention met, pursuant to adjournment.

The House, according to the order of the day, proceeded to the election, by ballot, of the commissioners recommended to be chosen by the report of yesterday, when Major Lollar, Major Coates and John Morris, Jun., Esq., were elected.

On information that a number of soldiers, belonging to Col. Miles's battalion, had mutinied and returned to this city, it was

Resolved, That Col. Kirkbride, Mr. Cannon, Mr. Whitehill and Col. James Smith be a committee to enquire into the affair and make report to this House.

Adjourned to three o'clock in the afternoon.

Friday, September 27, 1776, P. M.

The Convention met, pursuant to adjournment.

On motion, Resolved, That Captain Farmer and the other officers of the three battalions belonging to this state be directed to march the soldiers, who have returned from the camp, to the Barracks; that the commissary be directed to supply them with provisions, and that they be kept there until the convention or Council of Safety, shall have considered their case, and shall give further directions.

On motion, Resolved, That it be recommended to the first General Assembly of this State to make a law, similar to the habeas corpus act of England, for the security of the personal liberty of the inhabitants.

Saturday, September 28th, 1776.

The committee appointed to enquire into the affair of the returned soldiers, made their report in writing, which, being read, was referred for further consideration.

Adjourned to nine o'clock to-morrow morning.

The House met, pursuant to adjournment.

The Frame or Plan of Government and Preamble agreed to yesterday, being now fairly engrossed, were deliberately read and compared at the table, and, being bound up with the Declaration of Rights, were passed and confirmed unanimously in the words follows, viz.:

THE CONSTITUTION OF PENNSYLVANIA.

Whereas all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals, who compose it, to enjoy their natural rights and the other blessings which the Author of Existence has bestowed upon man; and, whenever these great ends of government are not obtained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness. And whereas the inhabitants of this Commonwealth have, in consideration of protection only, heretofore acknowledged allegiance to the King of Great Britain, and the said King has not only withdrawn that protection, but commenced and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them, employing therein not only the troops of Great Britain but foreign mercenaries, savages and slaves for the avowed purpose of reducing them to total and abject submission to the despotic domination of the British Parliament, with many other acts of tyranny (more fully set forth in the Declaration of Congress), whereby all allegiance and fealty to the said King, and his successors, are dissolved and at an end, and all power and authority derived from him ceased in these colonies. And whereas it is absolutely necessary for the welfare and safety of the inhabitants of said colonies, that they be henceforth free and independent States, and that just, permanent and proper forms of government exist in every part of them, derived from and

founded on the authority of the people only, agreeable to the directions of the Honorable American Congress:

We, the representatives of the freemen of Pennsylvania, in General Convention met, for the express purpose of framing such a government, confessing the goodness of the Great Governor of the Universe (Who alone knows to what degree of earthly happiness mankind may attain, by perfecting the arts of government), in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best for governing their future society; and, being fully convinced that it is our indispensable duty to establish such original principles of government as will best promote the general happiness of the people of this State and their posterity, and provide for future improvements, without partiality for or prejudice against any particular class, sect or denomination of men whatsoever, DO, by Virtue of the Authority vested in us by our constituents, ordain, declare and establish the following Declaration of Rights and Frame of Government to be the Constitution of this Commonwealth, and to remain in force therein forever, unaltered, except in such articles as shall hereafter, on experience, be found to require improvement, and which shall, by the same authority of the people fairly delegated, as this frame of government directs, be amended or improved for the more effectual obtaining and securing the great end and design of all government hereinbefore mentioned.

CHAPTER I.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE COMMONWEALTH OR STATE OF PENNSYLVANIA.

I. That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property and pursuing and obtaining happiness and safety.

II. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understanding. And that no man ought or of

right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against, his own free will and consent. Nor can any man, who acknowledges the being of God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments or peculiar mode of religious worship. And that no authority can or ought to be vested in, or assumed by, any power whatever that shall in any case interfere with, or in any manner control, the right of conscience in the free exercise of religious worship.

III. That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

IV. That all power being originally inherent in and, consequently derived from, the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

V. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community, and not for the particular emolument or advantage of any single man, family or set of men who are a part only of that community, and that the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish government in such manner as shall be by that community judged most conducive to the public weal.

VI. That those who are employed in the legislative and executive business of the State may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

VII. That all elections ought to be free, and that all free men having a sufficient evident common interest with and attachment to the community, have a right to elect officers, or to be elected into office.

VIII. That every member of the society hath a right to be protected in the enjoyment of life, liberty and property and, therefore, is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when

necessary, or an equivalent thereto. But no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives. Nor can any man who is conscientiously scrupulous of bearing arms be justly compelled thereto, if he will pay such equivalent. Nor are the people bound by any laws, but such as they have in like manner assented to, for their common good.

IX. That in all prosecutions for criminal offenses a man hath a right to be heard by himself and his counsel, to demand the cause and nature of his accusation, to be confronted with the witnesses, to call for evidence in his favor, and a speedy public trial, by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty. Nor can he be compelled to give evidence against himself. Nor can any man be justly deprived of his liberty, except by the laws of the land or the judgment of his peers.

X. That the people have a right to hold themselves, their houses, papers and possessions free from search and seizure, and, therefore, warrants without oaths or affirmations first made, affording a sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property not particularly described, are contrary to that right, and ought not to be granted.

XI. That in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred.

XII. That the people have a right to freedom of speech and of writing and publishing their sentiments; therefore the freedom of the press ought not to be restrained.

XIII. That the people have a right to bear arms for the defense of themselves and the State; and, as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up. And that the military should be kept under strict subordination to, and governed by, the civil power.

XIV. That a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality are absolutely necessary to preserve the

blessings of liberty and keep a government free: The people ought, therefore, to pay particular attention to these points in the choice of officers and representatives, and have a right to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the State.

XV. That all men have a natural inherent right to emigrate from one State to another that will receive them, or to form a new State in vacant countries, or in such countries as they can purchase, whenever they think that thereby they may promote their own happiness.

XVI. That the people have a right to assemble together, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances, by address, petition or remonstrance.

CHAPTER II.

PLAN OR FRAME OF GOVERNMENT FOR THE COMMONWEALTH OR STATE OF PENNSYLVANIA.

Section the First.

The Commonwealth or State of Pennsylvania shall be governed hereafter by an Assembly of the representatives of the freemen of the same, and a president and council, in manner and form following:

Section the Second.

The supreme legislative power shall be vested in a house of representatives of the freemen of the Commonwealth or State of Pennsylvania.

Section the Third.

The supreme executive power shall be vested in a president and council.

Section the Fourth.

Courts of justice shall be established in the city of Philadelphia and in every county of this State.

Section the Fifth.

The freemen of this Commonwealth and their sons shall be trained and armed for its defense, under such regulations,

restrictions and exceptions as the General Assembly shall by law direct, preserving always to the people the right of choosing their colonels and all commissioned officers under that rank, in such manner and as often as by the said laws shall be directed.

Section the Sixth.

Every freeman of the full age of twenty-one years, having resided in this State for the space of one whole year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector: Provided always, That sons of freeholders of the age of twenty-one years shall be entitled to vote although they have not paid taxes.

Section the Seventh.

The House of Representatives of the freemen of this Commonwealth shall consist of persons most noted for wisdom and virtue, to be chosen by the freemen of every city and county of this Commonwealth, respectively. And no person shall be elected unless he has resided in the city or county, for which he shall be chosen, two years immediately before the said election; nor shall any member, while he continues such, hold any other office, except in the militia.

Section the Eighth.

No person shall be capable of being elected a member to serve in the House of Representatives of the freemen of this Commonwealth more than four years in seven.

Section the Ninth.

The members of the House of Representatives shall be chosen annually, by ballot, by the freemen of the Commonwealth, on the second Tuesday in October forever (except this present year), and shall meet on the fourth Monday of the same month, and shall be styled the General Assembly of the Representatives of the Freemen of Pennsylvania, and shall have power to choose their speaker, the Treasurer of the State and their other officers—sit on their own adjournments, prepare bills and enact them into law, judge of the elections and qualifications of their own members; they may expel a member, but not a second time for the same cause; they may administer oaths or affirma-

tions on examination of witnesses, redress grievances, impeach State-criminals, grant charters of incorporation, constitute towns, boroughs, cities and counties, and shall have all other powers necessary for the legislature of a free State or Commonwealth, but they shall have no power to add to, alter, abolish or infringe any part of this Constitution.

Section the Tenth.

A quorum of the House of Representatives shall consist of two-thirds of the whole numbers of members elected, and having met, and chosen their speaker, shall each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of fidelity and allegiance herein after directed as the following oath or affirmation, viz.:

"I, ———, do swear (or affirm), that, as a member of this Assembly, I will not propose or assent to any bill, vote or resolution, which shall appear to me injurious to the people, nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges as declared in the Constitution of this State, but will, in all things, conduct myself as a faithful honest representative and guardian of the people, according to the best of my judgment and abilities."

And each member, before he takes his seat, shall make and subscribe the following declaration, viz.:

"I do believe in one God, the Creator and Governor of the Universe, the Rewarder of the Good and Punisher of the Wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine Inspiration."

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this State.

Section the Eleventh.

Delegates to represent this State in Congress shall be chosen by ballot by the future General Assembly at their first meeting, and annually forever afterwards, as long as such representation shall be necessary; any delegate may be superseded at any time, by the General Assembly, appointing another in his stead; no man shall sit in Congress longer than two years

successively, nor be capable of re-election for three years afterwards. And no person, who holds any office in the gift of the Congress, shall hereafter be elected to represent this Commonwealth in Congress.

Section the Twelfth.

If any city or cities, county or counties, shall neglect or refuse to elect and send representatives to the General Assembly, two-thirds of the members from the cities or counties that do elect and send representatives, provided they be a majority of the cities and counties of the whole State when met, shall have all the powers of the General Assembly as fully and amply as if the whole were present.

Section the Thirteenth.

The doors of the House, in which the representatives of the freemen of this State shall sit in General Assembly, shall be and remain open for the admission of all persons who behave decently, except only when the welfare of this State may require the doors to be shut.

Section the Fourteenth.

The votes and proceedings of the General Assembly shall be printed weekly, during their sitting, with the yeas and nays on any question, vote or resolution, where any two members require it, except when the vote is taken by ballot; and when the yeas and nays are so taken, every member shall have a right to insert the reasons of his vote, upon the minutes, if he desires it.

Section the Fifteenth.

To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations as much as possible presented, all bills of a public nature shall be printed for the consideration of the people, before they are read in General Assembly the last time for debate and amendment; and except on occasions of sudden necessity, shall not be passed into laws until the next session of Assembly; and for the more perfect satisfaction of the public, the reasons and

motives for making such laws shall be fully and clearly expressed in the preambles.

Section the Sixteenth.

The style of the laws of this Commonwealth shall be "Be it enacted, and it is hereby enacted by the Representatives of the freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same." And the General Assembly shall affix their seal to every bill, as soon as it is enacted into a law, which seal shall be kept by the Assembly and shall be called The Seal of the Laws of Pennsylvania, and shall not be used for any other purpose.

Section the Seventeenth.

The city of Philadelphia, and each county in this Commonwealth, respectively, shall, on the first Tuesday of November in this present year, and on the second Tuesday in October annually for the two next succeeding years, to wit, the year one thousand seven hundred and seventy-seven and the year one thousand seven hundred and seventy-eight, choose six persons to represent them in General Assembly. But as representation, in proportion to the number of taxable inhabitants is the only principle which can, at all times, secure liberty and make the voice of a majority of the people the law of the land, therefore, the General Assembly shall cause complete lists of the taxable inhabitants, in the city and each county in the Commonwealth, respectively, to be taken and returned to them on or before the last meeting of the Assembly elected in the year one thousand seven hundred and seventy-eight: Who shall appoint a representation to each in proportion to the number of taxables in such returns, which representation shall continue for the next seven years afterwards, at the end of which a new return of the taxable inhabitants shall be made, and a representation agreeable thereto appointed by the said Assembly, and so on septennially forever. The wages of the representatives in General Assembly, and all other State charges, shall be paid out of the State Treasury.

Section the Eighteenth.

In order that the freemen of this Commonwealth may enjoy the benefit of election as equally as may be until the representation shall commence as directed in the foregoing section, each county, at its own choice, may be divided into districts, hold elections therein and elect their representatives in the county and their other elective officers, as shall be hereafter regulated by the General Assembly of this State. And no inhabitant of this State shall have more than one annual vote at the general election for representatives in Assembly.

Section the Nineteenth.

For the present the supreme executive council of this State shall consist of twelve persons, chosen in the following manner: The freemen of the city of Philadelphia and of the counties of Philadelphia, Chester and Bucks, respectively, shall choose by ballot one person for the city and one for each county aforesaid, to serve for three years, and no longer, at the time and place for electing representatives in General Assembly. The freemen of the counties of Lancaster, York, Cumberland and Berks, shall, in like manner, elect one person for each county, respectively, to serve as counsellors for two years, and no longer. And the counties of Northampton, Bedford, Northumberland and Westmoreland, respectively, shall, in like manner, elect one person for each county, to serve as counsellors for one year, and no longer. And at the expiration of the time for which each counsellor was chosen to serve, the freemen of the city of Philadelphia and of the several counties in this State, respectively, shall elect one person to serve as counsellor for three years, and no longer; and so on every third year forever by this mode of election and continual rotation, more men will be trained to public business, there will, in every subsequent year be found in the council a number of persons acquainted with the proceedings of the foregoing years, whereby the business will be more consistently conducted, and, moreover, the danger of establishing an inconvenient aristocracy will be effectually prevented. All vacancies in the council

that may happen by death, resignation or otherwise shall be filled at the next general election for representatives in General Assembly, unless a particular election for that purpose shall be sooner appointed by the president and council. No member of the General Assembly or delegate in Congress shall be chosen a member of the council.

The president and vice-president shall be chosen annually by the joint ballot of the General Assembly and council, of the members of the council. Any person having served as a counsellor for three successive years shall be incapable of holding that office for four years afterwards. Every member of the council shall be a justice of the peace for the whole Commonwealth by virtue of his office.

In case new additional counties shall hereafter be erected in this State, such county or counties shall elect a counsellor, and such county or counties shall be annexed to the next neighboring counties, and shall take rotation with such counties.

The council shall meet annually, at the same time and place with the General Assembly.

The Treasurer of the State, trustees of the loan office, naval officers, collectors of customs or excise, judge of the admiralty, attorneys-general, sheriffs and prothonotaries shall not be capable of a seat in the General Assembly, executive council or Continental Congress.

Section the Twentieth.

The president, and, in his absence, the vice-president, with the council, five of whom shall be a quorum, shall have power to appoint and commissionate judges, naval officers, judge of the admiralty, attorney-general and all other officers, civil and military, except such as are chosen by the General Assembly, or the people, agreeable to this Frame of Government and the laws that may be made hereafter; and shall supply every vacancy in any office occasioned by death, resignation, removal or disqualification until the office can be filled in the time and manner directed by law or this Constitution. They are to correspond with other States, and transact business with the officers of government, civil and military, and to prepare such business as may appear to them necessary to lay before the

General Assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the justices of the Supreme Court; and shall have power to grant pardons and remit fines in all cases whatsoever, except in cases of impeachment; and in case of treason and murder shall have power to grant reprieves, but not to pardon, until the end of the next sessions of Assembly. But there shall be no remission or mitigation of punishment on impeachments except by act of the Legislature. They are also to take care that the laws be faithfully executed; they are to expedite the execution of such measures as may be resolved upon by the General Assembly, and they may draw upon the treasury for such sums as shall be appropriated by the House. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the House only. They may grant such licenses as shall be directed by law, and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned.

The president shall be commander in chief of the Forces of the State, but shall not command in person, except advised thereto by the council, and then only so long as they shall approve thereof. The president and council shall have a secretary, and keep fair books of their proceedings, wherein any counsellor may enter his dissent, with his reasons in support of it.

Section the Twenty-first.

All commissions shall be in the name and by the authority of the freemen of the Commonwealth of Pennsylvania, sealed with the State seal, signed by the president or vice-president, and attested by the secretary, which seal shall be kept by the council.

Section the Twenty-second.

Every officer of State, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office or after his resignation or removal for mal-administration. All impeachments shall be before the president or vice-president and council, who shall hear and determine the same.

Section the Twenty-third.

The judges of the Supreme Court of judicature shall have fixed salaries, be commissioned for seven years only, though capable of re-appointment at the end of that term, but removable for misbehavior at any time by the General Assembly; they shall not be allowed to sit as members in the Continental Congress, Executive Council or General Assembly, nor to hold any other office, civil or military, nor to take or receive fees or perquisites of any kind.

Section the Twenty-fourth.

The Supreme Court and the several courts of common pleas of this Commonwealth shall, besides the powers usually exercised by such courts, have the powers of a court of chancery, so far as relates to the perpetuating testimony, obtaining evidence from place snot within this State, and the care of the persons and estates of those who are non compotes mentis, and such other powers as may be found necessary by future General Assemblies, not inconsistent with this Constitution.

Section the Twenty-fifth.

Trials shall be by jury as heretofore. And it is recommended to the Legislature of this State to provide by law against every corruption or partiality in the choice, return or appointment of juries.

Section the Twenty-sixth.

Courts of sessions, common pleas and orphans' courts shall be held quarterly in each city and county, and the Legislature shall have power to establish all such other courts as they may judge for the good of the inhabitants of the State. All courts shall be open and justice shall be impartially administered without corruption or unnecessary delay. All their officers shall be paid an adequate but moderate compensation for their services. And if any officer shall take greater or other fees than the laws allow him, either directly or indirectly, it shall ever after disqualify him from holding any office in this State.

Section the Twenty-seventh.

All prosecutions shall commence in the name and by the authority of the freemen of the Commonwealth of Pennsylvania, and all indictments shall conclude with these words, "against the peace and dignity of the same." The style of all process hereafter in this State shall be, the Commonwealth of Pennsylvania.

Section the Twenty-eighth.

The person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up, bona fide, all his estate, real and personal, for the use of his creditors in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or presumption great.

Section the Twenty-ninth.

Excessive bail shall not be exacted for bailable offenses, and all fines shall be moderate.

Section the Thirtieth.

Justices of the peace shall be elected by the freeholders of each city and county, respectively, that is to say, two or more persons may be chosen for each ward, township or district, as the law shall hereafter direct. And their names shall be returned to the president in council, who shall commissionate one or more of them for each ward, township or district so returning for seven years, removeable for misconduct by the General Assembly. But if any city or county, ward, township or district in this Commonwealth shall hereafter incline to change the manner of appointing their justices of the peace, as settled in this Article, the General Assembly may make laws to regulate the same, agreeable to the desire of a majority of the freeholders of the city or county, ward, township or district so applying. No justice of the peace shall sit in the General Assembly unless he first resign his commission, nor shall

Section the Thirty-fifth.

The printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or any part of government.

Section the Thirty-sixth.

As every freeman, to preserve his independence (if without a sufficient estate), ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors and expectants; faction, contention, corruption and disorder among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation. And whenever an office, through increase of fees, or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the Legislature.

Section the Thirty-seventh.

The future Legislature of this State shall regulate entails in such a manner as to prevent perpetuities.

Section the Thirty-eighth.

The penal laws, as heretofore used, shall be reformed by the future Legislature of this State, as soon as may be, and punishments made in some cases less sanguinary and in general more proportionate to the crimes.

Section the Thirty-ninth.

To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punishments less necessary, houses ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital, wherein the criminals shall be employed for the benefit of the public, or for reparation of injuries done to private persons. And all persons at proper times shall be admitted to see the prisoners at their labor.

Section the Fortieth.

Every officer, whether judicial, executive or military, in authority under this Commonwealth, shall take the following oath or affirmation of allegiance, and general oath of office before he enter on the execution of his office. The oath or affirmation of allegiance: "I, _____, do swear (or affirm) that I will be true and faithful to the Commonwealth of Pennsylvania, and that I will not, directly or indirectly, do any act or thing prejudicial or injurious to the Constitution or Government thereof as established by the Convention." The oath or affirmation of office: "I, _____, do swear (or affirm) that I will faithfully execute the office of _____, for the _____ of _____, and I will do equal right and justice to all men to the best of my judgment and abilities, according to law."

Section the Forty-first.

No public tax, custom or contribution shall be imposed upon, or paid by the people of this State, except by a law for that purpose. And before any law be made for raising it, the purpose for which any tax is to be raised ought to appear clearly to the Legislature to be of more service to the community than the money would be, if not collected, which, being well observed, taxes can never be burthens.

Section the Forty-second.

Every foreigner of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase or by other just means acquire, hold and transfer land or other real estate, and after one year's residence shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this State, except that he shall not be capable of being elected a representative until after two years' residence.

Section the Forty-third.

The inhabitants of this State shall have liberty to fowl and hunt in seasonable times on the lands they hold, and on all

other lands therein not enclosed, and in like manner to fish in all boatable waters and others not private property.

Section the Forty-fourth.

A school or schools shall be established in each county by the Legislature, for the convenient instruction of youth, with such salaries to the masters paid by the public as may enable them to instruct youth at low prices. And all useful learning shall be duly encouraged and promoted in one or more universities.

Section the Forty-fifth.

Laws for the encouragement of virtue and prevention of vice and immorality shall be made and constantly kept in force, and provision shall be made for their due execution. And all religious societies or bodies of men heretofore united or incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities and estates which they were accustomed to enjoy, or could of right have enjoyed under the laws and former Constitution of this State.

Section the Forty-sixth.

The Declaration of Rights is hereby declared to be a part of the Constitution of this Commonwealth, and ought never to be violated on any pretence whatever.

Section the Forty-seventh.

In order that the freedom of this Commonwealth may be preserved inviolate forever, there shall be chosen by ballot by the freemen in each city and county, respectively, on the second Tuesday in October, in the year one thousand seven hundred and eighty-three, and on the second Tuesday in October in every seventh year thereafter, two persons in each city and county of this State, to be called the council of censors, who shall meet together on the second Monday of November next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a convention, in which two-thirds of the whole number elected shall agree, and whose duty it shall be to enquire whether the Constitution has been

preserved inviolate in every part and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves or exercised other or greater powers than they are entitled to by the Constitution. They are also to enquire whether the public taxes have been justly laid and collected in all parts of this Commonwealth, in what manner the public moneys have been disposed of, and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers and records; they shall have authority to pass public censures, to order impeachments, and to recommend to the Legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the Constitution. These powers they shall continue to have for and during the space of one year from the day of their election, and no longer. The said council of censors shall also have power to call a convention, to meet within two years after their sitting, if there appear to them an absolute necessity of amending any Article of the Constitution which may be defective, explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people. But the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

On motion, Ordered, That the president and every member of this Convention present do sign the same, which being accordingly done, it was thereupon

Ordered, That the Constitution of this Commonwealth, as now agreed to and signed by the members of this Convention, be committed to the charge of the council of safety, with directions to deliver the same to the General Assembly of this State, at their first meeting, immediately after they shall have chosen their speaker.

On motion, Resolved, That Mr. Rittenhouse, Mr. Cannon

and Mr. Matlack be a committee to settle the incidental expenses of this Convention.

On motion, Resolved, That the president of this Convention be allowed the same wages as the speaker of the late House of Assembly, and that the vice-president draw an order on the State Treasurer for the amount thereof.

On motion, Resolved, That Mr. Rittenhouse, Mr. Jacobs and Mr. Clymer be a committee to prepare the seals for the future Legislature and executive council of this State.

Resolved, That immediate public notice be given by the secretary, that the freemen of this State are empowered, by the Frame of Government this day passed, to choose, at their next election for representatives, in the city of Philadelphia and each county one person as a Counsellor of State.

Resolved, That the council of safety be directed to prepare materials necessary for printing paper currency for this State, to be ready at the time of the first meeting of the General Assembly.

Resolved, That Mr. Cannon, Mr. Rittenhouse, Col. Matlack and Col. Bull be a committee to revise the minutes of this Convention, and print 250 copies of the same, together with the Constitution, ordinances, etc. (100 of which to be bound), for the use of the members of this House.

On motion, Resolved, That the president of this Convention fill up and sign a commission for General Roberdeau as first brigadier-general of this State, and that he also fill up and sign a commission for General Ewing as second brigadier-general of this State.

On motion, Resolved, That Mr. Cannon, Mr. Rittenhouse and Col. Matlack be a committee to draw up an address to the public, setting forth the reasons which induced this convention to make the several ordinances and resolves, which they have passed in the course of the sitting of this Convention.

The report of the committee appointed to enquire into the complaints of the mutinous soldiers was again read, and ordered to be referred to the council of safety.

Major Coates and Major Loller, two of the gentlemen elected yesterday to visit the troops raised in this State at New York

Island and Ticonderoga, informed the Convention that the state of their domestic affairs was such that they could not possibly serve on that duty. Whereupon, the House proceeded to the election of two other gentlemen in their stead, when Col. Potter and Col. Clark were chosen by ballot for that service.

The petition of Peter Withington for a captaincy was again read and referred to the council of safety.

The draught of a commission and instructions to the gentlemen chosen to visit the troops of this State was read and approved of, and is as follows:

Pennsylvania, ss:

The Honorable the Convention of the Commonwealth of Pennsylvania, to E. T., Esquire:

Sir: You are hereby commissioned and instructed (in conjunction with A. B. and C. D.) immediately to repair to the army near New York and at Ticonderoga, and make a particular inquiry into the condition and state of the troops raised in or by this State, whether they are properly supplied with necessaries, and whether the quartermasters, commissaries, paymasters and other officers for the supplying of clothing, provisions, etc., have done their duty, and therein particularly to attend to the information which you shall receive from intelligent privates as well as officers. You are to engage all officers and privates, who are willing to serve during the war, on the terms offered by the Honorable Congress. You are to enquire into the merits of such officers, that proper promotions may take place when necessary. You are to enquire into the condition and state of the arms and accoutrements of the troops, and to make true returns of all such and other matters as you may find necessary, with all convenient dispatch, to the council of safety or future House of Assembly. This commission and instruction to continue until altered or annulled by this Convention, the council of safety or the future House of Assembly. By order of the Convention.

The report made on the 13th instant by the committee on military affairs, was again read and ordered to be referred to

	Page.
ACTS OF ASSEMBLY—Continued.	
Duration of certain, limited,	140, 151, 156, 161, 166, 171, 176, 184, 185, 198, 230, 322, 359, 381, 393, 400, 417
Certain, revived,	310
Certain, made perpetual,	436-7
Certain, declared void,	226
Certain, to be given in evidence in suits or prosecutions for things done under them,	35, 90, 198, 387
ACTS OF GRACE.	
Granted to criminals,	5
ACTS OF PARLIAMENT.	
Common law and such of the, as were in force in the province May 14, 1776, revived and made binding from and after February 10, 1777,	30
Exceptions,	31
ADJUTANT. See Militia.	
ADMIRALTY.	
Court of, established,	277
Supreme executive council to appoint a judge of,	277
Term of judge,	277
Jurisdiction of court of,	277
Captains, etc., bringing into court captured vessels, etc., to exhibit to the judge of, within three days a libel in writing,	277-8
Libel to contain a full account of the time and manner of capture, etc., ..	278
All books, papers, etc., found on cap- tured vessel to be delivered to the register of the court of,	278
Register to give twenty days notice in the public newspapers of the day set for trial,	278
Owners to show cause why captured vessel should not be condemned as lawful prize,	278
Cargoes recaptured from the enemy to be disposed of under resolve of con- gress,	278
If cargo be damaged or perishable the judge of, to appoint three apprais- ers,	278

	Page.
ADMIRALTY—Continued.	
And order the marshall of the court to sell same immediately upon return of appraisement,	279
Marshall to keep money arising from such sales until determination of trial,	279
Jury to be summoned and established by like modes as in the supreme court,	279
Finding of facts by the jury not sub- ject to re-examination or appeal, ..	279
Condemned vessels and cargo, etc., to be sold at public vendue for the benefit of the captors,	279
Appeals to be allowed to the conti- nental congress,	279
All such appeals to be demanded with- in three days and lodged with the secretary of congress within thirty days after sentence,	279
Appellant to give security for the prosecution of appeal,	279-80
Appeal not to stay proceedings if ap- pellees enter security to pay appel- lants full value in case of reversal, ..	280
Security to be approved by judge of, ..	280
Supreme executive council to appoint register of the court of,	280
Oath of register,	280
Attestations of register to be received as evidence,	280
Depositions of witnesses taken before the judge of, and filed in office of register to be admitted in case of death or absence of witness,	280
Depositions to be taken ex parte on notice being given to other side, ..	280
Supreme executive council to appoint marshall of the court of,	280
Oath of marshall,	280
Bond of marshall,	280
Compensation of judge of,	281
Compensation of register and mar- shall,	281
Judge of, to decide without a jury, where mariners sue for less than four months wages,	281
Traitors, pirates and felons, etc., of- fending upon the sea to be tried in manner prescribed by act of 28, Henry VIII,	282

	Page.		Page.
ADMIRALTY—Continued.		ALLEGIANCE.	
Trial to be had in court of oyer and terminer in Philadelphia,	282	All male inhabitants over 18 to take the oath of,	111
The judge of, constituted a commis- sioner of oyer and terminer,	282	Oath of,	111-112
Judge of, to be president of oyer and terminer in chief justices absence,	282	Person taking oath of, to receive a certificate thereof from the justice,	111
Persons standing mute upon arraign- ment to be deemed to have pleaded not guilty,	282	Form of certificate,	112
Penalty for jurymen's neglect or re- fusal to attend when summoned,	282	Justices to keep registers of the names of the parties taking oath and trans- mit copies thereof to the recorder of deeds,	112
Penalty for committing perjury or subornation of perjury in such cases,	282	Recorder to record same,	112
Proceedings of the court of, liable to the prohibition of the supreme court,	283	Compensation for so doing,	112
		Compensation of justices,	112
		Justices to lay their accounts before the county commissioners,	112
		Commissioners to draw on county treasurers for sums allowed,	112
		Said orders to be paid out of state taxes,	112
		Penalty for neglect or refusal to take oath of,	112-113
		Traveling nonjurors to be tendered oath of, by justices and committed upon refusal to take,	113
		Travelers from other states required to take oath of,	113
		Penalty for neglect or refusal,	113
		Congressmen, prisoners of war, offi- cers and soldiers, and merchants and marines, excepted,	113
		Penalty for forging certificate of oath of,	114
		President and members of executive council to have power of arresting sympathizers of Great Britain,	139
		To tender oath of allegiance to them and take other necessary security for good behavior,	139
		Person causing arrest indemnified against all process, suits, etc.,	140
		Duration of act limited,	140
		Persons refusing to take oath of, and give necessary security to be com- mitted without bail or mainprise, ..	148
		Nonjurors not allowed to go security for suspected persons,	149
		Masters not to receive compensation for enlisted servants or apprentices until he takes the oath of,	217
		All white persons over 18 ordered to take oath of, before June 1, 1778, ..	239
ADULTERY.			
Divorces granted to certain persons because of spouse's adultery,	433		
ADVERTISEMENTS. See Newspapers; Notice.			
AFFIRMATIONS. See Oaths.			
AGITATORS.			
Against the freedom and independence of the states to give security for good behavior,	20		
Upon default to be committed,	20		
Dangerous, to be imprisoned by jus- tices of the peace,	20		
Proceedings,	20		
Aggrieved, to have appeal to the council of safety,	20		
ALDERMEN.			
Certain powers of recorder, mayor, and, of Philadelphia, vested in any three justices of the peace,	65-6		
ALE-HOUSES.			
Penalty for keeping, without a license increased,	313		
ALIENS.			
Estates held under, not naturalized made valid,	258		

	Page.
APPROPRIATION—Continued.	
\$4,000,000.00 to be raised for army supplies for year 1779,	360
\$5,700,000.00 additional to be raised for army supplies for year 1779,	443
ARMAGH TOWNSHIP.	
Place of holding elections in, and Derry townships, Cumberland county,	224-5
ARMIES OF THE UNITED STATES.	
Commissioners appointed to collect, seize and take for the use of the, all woolen cloths, linens, etc., and clothing held by citizens for the purpose of sale,	190
Commissioners to give certificate of quantity, quality and value of goods taken,	190
Goods held by foreigners not subject to seizure,	190
Commissioners to obtain warrant and have places of persons suspected of concealing goods searched,	190
Owners of seized goods, and clothing to give commissioners a true account of their original cost,	191
Commissioners to appoint four housekeepers to fix value of goods taken, ..	191
Commissioners to give owner a certificate stating value of goods taken, ..	191
Upon receipt of certificate, receiver-general to give an order upon the clothier-general of the United States, for payment,	191
Owner neglecting to give account of cost of goods within ten days to forfeit them,	191
Commissioners to have cloths, linens, etc., made into clothing,	192
Commissioners exempted from service in militia,	192
Tailors and shoemakers employed by commissioner also exempted,	192
Commissioners to draw on state treasurer, for sums necessary to pay the tradesmen,	192
Commissioners to be severally accountable to legislature for all sums expended,	192-3

	Page.
ARMIES OF THE UNITED STATES—Continued.	
Commissioners to act under the orders and guidance of legislature, and supreme executive council,	193
Receiver-general of clothing appointed,	193
Duties of,	193
Compensation of, receiver-general, ...	193
Compensation of commissioners,	193-4
Penalty for misfeasance or nonfeasance of receiver-general or commissioners,	194
Oath of receiver-general and commissioners,	194
Vacancies, how filled,	194
Commissioners in collecting clothing to apply in rotation to every family,	194-5
To keep a record of proceedings,	195
Commissioners to take extra blankets, clothing, etc., from persons who have not taken oath of allegiance, ..	195
To give owner receipt therefore,	195
Owner neglecting to accept or demand receipt within ten days to forfeit goods taken,	195
Commissioners appointed to seize and take for the, all flour, wheat, rye, beef, etc., found in possession of persons and not necessary for family use,	196
To tender owner the value of same, ..	196
Owners refusing to accept tender or demand the same within ten days to forfeit the amount tendered,	196
Commissioners to purchase provisions and forage from persons willing to sell,	196
Commissioners to act under the orders and instructions of congress,	197
Penalty for nonfeasance or misfeasance of commissioners,	197
Rates and prices of provisions and forage, prescribed,	197
In cases of resistance, etc., commissioners to have the help of militia, in performing duties,	198
Persons sued may plead general issue and give act in evidence,	198
Former ordinance repealed,	198
Duration of act limited,	198

Page.

AUDITORS—Continued.

Persons having charges against the Committee and Council of Safety, but without vouchers to prove their claims before the, appointed to settle the accounts of the Committee and Council of Safety, 346

Appointed to settle the accounts of the Committee and Council of safety to also settle the accounts of the State, navy board and board of war, 345

B.

BACON. See Exports.

Exportation of, prohibited for a limited time, 273, 294

Act not to prohibit ships taking on board necessary provisions, ... 273, 294

Attempted to be exported to be seized and forfeited, 273, 295

Disposition of forfeiture, 273, 295

Supreme executive council empowered to revoke embargo on, 273, 295

BAIL. See Mainprise.

Imprisonment without, or mainprise, contingent punishment for harboring deserters, 61

Offending register or recorder to be committed without, or mainprise until he deliver books, records, etc., to successor, 71

For want of distress, offender, buying or selling arms belonging to the state to be committed without, or mainprise, 84-5

Clerk of late Mayor's Court refusing to deliver books, records, etc., to judges of City Court to be committed without, 107

Prothonotaries refusing to deliver records, etc., to successors to be committed without, 107

Traveling nonjurors refusing to take oath of allegiance to be committed without, or mainprise, 113

Persons refusing to take oath of allegiance and give necessary security to be committed without, or mainprise, 14

	Page.		Page.
BAIL—Continued.		BEDFORD COUNTY—Continued.	
Imprisonment without, punishment for refusal to take oath of allegiance,	240	Overseers of the poor of Cumberland, Northumberland, Westmoreland and, to appoint a place and to give notice of the election of justices of the peace,	43-4
Late collector of duties on negro and mulatto slaves refusing to deliver to new collector the bonds, etc., relating to the office, to be committed, without, or mainprise,	276	Trustees for building court-house and prison in, to sell temporary prison, 316	
Imprisonment without, contingent punishment for blasphemy, profanity, cursing, etc.,	334	Money received to be applied for paying for new court-house and prison, 316	
Imprisonment without, contingent punishment for cock fighting, bullet playing, horse racing, etc.,	335	Commissioners and assessors to remit or mitigate taxes on those who have been disabled, etc., or driven off by the enemy,	325
Imprisonment without, contingent punishment for duelling challenges, etc.,	336-7	Commissioners and assessors to return lists to general assembly of the names of persons exonerated,	326
Imprisonment without, contingent punishment for erecting theatres, play-houses, etc.,	337	Deficencies to be paid out of state taxes,	326
Imprisonment without, contingent punishment for exhibiting or encouraging stage-plays,	337	Parts of former acts repealed,	326
Imprisonment without, contingent punishment for working on Sunday, 333			
Dangerous disaffected persons to be committed without, or mainprise, ..	441	BEEF.	
		Price of, regulated,	236
BAR IRON.		Penalty for asking more for, than allowed by act,	238
Price of, regulated,	236	Exportation of, prohibited for a limited time,	273, 294
Penalty for asking more for, than allowed by act,	238	Act not to prevent ships taking on board the necessary provisions, ..	273, 294
BARLEY. See Exports; Whiskey.		Attempted to be exported to be seized and forfeited,	273, 295
Price of, regulated,	236	Disposition of forfeiture,	273, 295
Penalty for asking more for, than allowed by act,	238	Supreme executive council empowered to revoke the embargo on,	273, 295
BATTALION ELECTIONS. See Elections; Militia.		BEER.	
BEANS, THOMAS.		Price of, regulated,	236
Estate of, in and to certain lands confirmed and established,	417-18	Penalty for asking more for, than allowed by act,	236
BEDFORD COUNTY.		BERKS COUNTY. See Elections; Justices of the Peace.	
Boundaries of,	397	Entitled to six members in the general assembly,	395
Places of holding elections in,	119	BILL.	
Entitled to two members in the general assembly,	395	Certain penalties to be recovered by,	137, 377
		BILLET PLAYING.	
		Prohibited,	335
		Penalty for violation,	335

	Page.		Page.
BILLET PLAYING—Continued.		BILLS OF CREDIT—Continued.	
Public house-keepers not to encourage,	335	Emitted in compliance of certain acts to be legal tender to bodies politic, etc.,	110
Penalty for violation,	335	Rate of taxes for sinking certain, increased,	153
Money won at, not recoverable,	336	Signing of certain,	155
Money paid on losses at, may be recovered by loser by suit within three months,	336	New commissioners appointed for the printing of certain, under prior act,	157
Disposition of fines accruing under act,	337	To be legal tender,	157
Offenders to be prosecuted within three months after commission of offense,	337	Emitted under act of September 30th, 1775, to be exchanged,	251
Former acts, repealed,	338	Proviso,	251-2
BILLS OF CREDIT.		Emitted by Congress to be legal tender,	252
Issued by the Continental Congress or under the late laws or by the resolves of assembly declared to be legal tender,	10	Penalty for counterfeiting, etc., continental bills of credit or loan office certificates,	253
To the value of 200,000£ to be prepared,	97	Emitted under the authority of Great Britain prior to April 19th, 1775 not to be legal tender,	225
Commissioners appointed for the printing of certain,	97	Acts making such bills legal tender declared void,	226
Form of,	97	Except such parts as relate to counterfeiting, etc., and also such parts as relate to sinking the same,	226
Denomination of,	98	Said bills to be paid to the state treasurer who shall exchange them,	226
Signing of,	98-9	Said bills to be presented to state treasurer before June 1, 1778,	226
Oath of signers,	99	Said bills not paid in before June 1st, to be irredeemable ever after,	226
Mode of signing,	99	Proviso where bills are in possession of persons out side of the state, ...	226-7
Compensation of signers,	99	And those who are in the allegiance of the state but now within the enemy's lines,	227
Compensation of state treasurer for handling,	100	Bills received in the loan office to be exchanged by the state treasurer, ..	227
To be delivered to state treasurer as soon as signed,	100	State treasurer together with a committee of assembly to count, burn and destroy them,	227
Declared legal tender,	100	Counterfeiting, forging names of signers of, or knowingly uttering forged or counterfeit, to be punished by death,	9, 100
Penalty for counterfeiting, forging names of signers of, or knowingly uttering forged or counterfeited,	100	Reward of informer,	9-10, 101
Reward of informer,	101	Raising of, to be punished by fine, pillory and whipping,	9-10, 101
Raising of, to be punished by fine, pillory and whipping,	101		
Reward of informer,	101		
Offender unable to pay penalty, to be sold into servitude,	101		
Counterfeit, to be destroyed after being used on trial,	101		
Provisions for sinking,	101-2		
Bills emitted prior to July 1, 1779 not to be legal tender after October 1, 1779 except for taxes,	103		
		BLASPHEMY.	
		Prohibited,	334

	Page.		Page.
BLASPHEMY—Continued.		BREAD—Continued.	
Penalty for violation,	334	Supreme executive council empowered to revoke embargo on,	273, 295
Offenders to be prosecuted within ten days after commission of offense, ..	334	Three justices to appoint the assize, weight and price of,	390
BOARD OF WAR.		BRIDGES.	
Accounts of, to be settled by auditors appointed to settle the accounts of the late committee and council of safety,	345	Commissioners and assessors of Chester County empowered to build over Chester Creek a new bridge without a draw,	271-2
BOLTERS. See Flour.		BRISTOL, BOROUGH OF.	
BONDS.		To elect burgesses, constables, etc., ..	44
Given to governor for the use of the late province declared valid,	33	Burgesses to also act as justices of the peace,	44
Sums recovered to be applied as formerly except that the amount forfeited to the governor be henceforth paid into the state treasury,	33	BUCKS COUNTY. See Elections; Justices of the Peace.	
All, given to the late government declared to be valid,	63	Places of holding elections in,	117
Actions thereon to be brought in the name of the president of the commonwealth of Penna.,	64	Entitled to five members in the general assembly,	395
President to have same powers as governor formerly had,	64	Justices of the courts of oyer and terminer and general gaol delivery in Chester and Bucks counties empowered to hold courts at other places than usual during possession thereof by the enemy,	172
Or marshal of the court of admiralty, ..	280	Notice thereof to be given by the sheriff,	173
Of masters of outgoing vessels not to land cargo in British dominions,	290	Courts of common pleas, quarter sessions, and gaol delivery in, to be held in safe places during invasion of Commonwealth by the enemy, ...	247-8
Of prothonotaries,	108	Ten days public notice thereof to be given,	248
Of register of wills,	69	Records and public papers of, to be removed to places of safety,	248
Of recorder of deeds,	69	Sheriffs, coroners, justices of the peace, and other peace officers to detain prisoners in safe places,	248
Of treasurer of respective counties, ...	55	Party charged with felony to be sent to jail in either of adjacent counties,	348
Of trustees of the general loan office, ..	163	Former act repealed,	248
To be delivered to recorder of deeds for Lancaster County,	163	Act authorizing justices to hold courts at other places than usual, etc., repealed,	255
BOROUGH OFFICERS.		BUCKWHEAT.	
To be elected in the boroughs of Chester, Bristol and Lancaster,	44	Price of, regulated,	236
BOUNTY.		Penalty for asking more for, than allowed by act,	238
For killing wolves,	403		
BREAD.			
Exportation of, prohibited for a limited time,	273, 294		
Act not to prevent ships taking on board necessary provisions,	273, 294		
Attempted to be exported to be seized and forfeited,	273, 295		
Disposition of forfeiture,	273, 295		

Page.		Page.
CHESTER COUNTY—Continued.		CITY COURT—Continued.
Commissioners and assessors of, em- powered to build a new bridge over Chester Creek without a draw, 270		Clerk of late mayor's Court to deliver all books, records, etc., to the judges of the, 107
Commissioners and assessors to remit or mitigate taxes on those who have been disabled, etc., or driven off by the enemy, 325		Penalty for neglect or refusal, 107
Commissioners and assessors to return lists to general assembly of the names of the persons exonerated, .. 326		CITY OF PHILADELPHIA. See Phila- delphia, City of.
Deficiencies to be paid out of state taxes, 326		CLAYPOOLE, JAMES.
Parts of former acts repealed, 326		Indemnified for removing prisoners from new gaol and imprisoning them in the old gaol in Philadelphia,256-7
Act authorizing justices to hold courts at other places than usual, etc., re- pealed, 255		CLERGY.
		Members of the, excepted from the burdens of the militia acts,77, 168
CHESTER CREEK.		CLERGYMEN.
Commissioners and assessors of Ches- ter County empowered to build a new bridge over, without a draw,..271-2		Exempted from additional military taxes,77, 168
CHESTNUT RIDGE.		CLERK OF THE MARKET.
Part boundary of Bedford County, .. 397		President and council to appoint, 106
CHURCHES.		CLOTHIER-GENERAL OF THE UNIT- ED STATES. See Armies of the United States.
Scots Presbyterian church in the City of Philadelphia, incorporated, 338		CLOTHING. See Armies of the United States.
CIDER.		CLOTHS.
Price of, regulated, 236		Prices of, manufactured in the state, doubled, 237
Penalty for asking more for, than al- lowed by act, 236		Penalty for asking more for, than al- lowed by act, 238
CITIES. See Philadelphia, City of.		COCK FIGHTING.
CITIZENS. See Allegiance.		Prohibited, 335
CITY COURT.		Penalty for violation, 335
President and council to appoint five judges of the, of Philadelphia, 106		Public house-keepers not to encour- age, 335
To be held four times a year, 106		Penalty for violation, 335
Judges of the, to have the same power as Mayor's Court formerly had, ... 106		Money won at, not recoverable, 336
Actions undertermined in the late Mayor's Court to be cognizable in the, 107		Money paid on losses at, may be re- covered by loser by suit within three months, 336
Late mayor, recorder and aldermen to deliver all recognizances to the judges of the, 107		Disposition of fines accruing under act, 337
		Offenders to be prosecuted within three months after commission of offense, 337
		Former acts, repealed, 338

	Page.		Page.
COLLECTORS OF EXCISE. See Excise.		COMMITTEE AND COUNCIL OF	
COLLECTORS OF TAXES. See Tax Col- lectors.		SAFETY—Continued.	
COLLEGE AND ACADEMY OF PHILA- DELPHIA.		New auditors appointed, 311	
All acts of the trustees of the, after September 1, 1777 declared void, ...175-6		Compensation of auditors, 311	
Vice-provost, rector and such profes- sors and tutors as have not put themselves under subjection to the enemy to continue in office, 176		Persons having charges against, but without vouchers to prove their claims before the auditors appoint- ed to settle the accounts of, 346	
Salaries to be paid to them as usual,.. 176		Auditors appointed to settle accounts of, to also settle the accounts of the State, navy board, and board of war, 345	
Those holding commissions in the army or navy of the United States or other lucrative office, excepted,.. 176		COMMON LAW.	
Act to continue until British evacuate Philadelphia and for three months thereafter, 176		And such of the statute laws of Eng- land as were in force in the Prov- ince May 14, 1776, revived and made binding from and after February 10, 1777, 30	
COLLEGES.		Exceptions,30-1	
Masters and faculty of, excused from serving in the militia, 77		COMMON PLEAS.	
Masters and faculty of, exempted from additional military tax, 168		Courts of, to be held within the com- monwealth at the same times and places as formerly under the colonial government, 31	
COLORS. See Militia.		All officers of, to exercise the same powers as formerly,31-2	
COMMITTEE AND COUNCIL OF		Persons aggrieved by seizure of lands, etc., under militia act to have ap- peal to the,83-4	
SAFETY.		Appeal to stay all process, 84	
Auditors appointed to audit, collect, adjust, etc., the accounts of the, ... 267		Proceedings on appeal, 84	
Balances due state to be paid to state treasurer,267-8		Not to have jurisdiction in actions of debt where the demand is under five pounds, 436	
Auditors to draw on state treasurer for balances due from the state,... 268		Congress authorized to sue in the, for debts due the United States,..... 222	
To report at each sitting of the gen- eral assembly, 268		To appoint auditors to settle such ac- counts, etc., 222	
Auditors to open an office and give notice thereof to the public, 268		Fees of justices of, increased,321-2	
Auditors to prepare and keep proper books, etc., 268		Fees of the prothonotary of the court of, doubled, 229	
And empowered to call before them by subpoena or attachment, persons entrusted with public moneys, etc.,268-9		Fees of prothonotary increased, 322	
Auditors to employ clerks and draw on state treasurer to meet necessary ex- pense, 269		Justices of the, in Philadelphia and Chester counties, empowered to hold courts at other places than usual during possession thereof by the enemy, 158	
President, etc., to fill vacancies by ap- pointment, 269		Courts of quarter sessions, gaol de- livery and, in Bucks County to be held in safe places during invasion of commonwealth by the enemy, ...247-8	
Auditors to take oath of office before president, etc., in council, 269			

	Page.		Page.
COMMON PLEAS—Continued.		CONSTABLES—Continued.	
Ten days public notice thereof to be given,	248	Compensation of, for serving warrant, impressing wagons, etc.,	183
CONGRESS. See Legal Tender.		Fees of, doubled,	229
Bills of credit emitted by, to be legal tender, at the rate of seven shillings and six pence per dollar,	34	Fees of, increased,	321-2
Delegates in, excused from serving in militia,	87	To hold special elections when required to fill vacancies in office of justices of the peace,	266
Delegates in, exempted from additional military tax,	168	To give ten days notice to freeholders,	266
Authorized to bring action of debt, etc., for debts due the United States,	222	To inquire into offences against act prohibiting for a limited time, the making of whiskey, etc.,	298
Common pleas to appoint auditors to settle the accounts, etc.,	222	Penalty for neglect or refusal,	298
Cargoes re-captured from the enemy to be disposed of under resolves of,	278	To give information received to justices,	298-9
Appeals from condemnation of vessels and cargo to be allowed to the continental,	279	To return on oath to quarter sessions the names and places of abode of such offenders,	299
All such appeals to be demanded within three days and lodged with the secretary of, within thirty days after sentence,	279	To receive one-half of forfeitures collected under act,	299
CONSTABLES.		To receive warrant from justice of the peace, to apprehend violators of act prohibiting the making of whiskey,	318
Coroners, overseers of the poor, supervisors of the highways and, in office at the time of the dissolution of the provincial government to continue in office,	17-18	Authorized to break open in day time doors of still-house, etc., in search of violators,	318
Last appointed or elected under the provincial government to continue in office under the new government,	32	To receive one-half of all fines imposed for exporting grain, etc.,	319
To apprehend deserters and take them before a justice of the peace,	60	Fines and penalties on, for neglect of duty increased,	320-21
Reward for so doing,	60	Where owners refuse to sell grain and flour at appraised price to families in need of same justices to direct, to seize enough thereof to support such family until August 1, 1779,	374-5
To go to suspected places and search for deserters,	62	To deliver such grain or flour to the persons obtaining warrant upon their paying or tendering the appraised price to the owner,	375
So call upon citizens for assistance in apprehending deserters,	62	Compensation of,	377
County lieutenants of the militia to direct, to return to them the names of all male persons between the ages of 18 and 53,	76-7	CONTINENTAL ARMY.	
Pay of, for returning lists of males between the ages of 18 and 53,	86	Act empowering commander and chief of the, to impress wagons, etc., in cases of sudden emergencies, repealed,	288
Penalty for failing to perform duty under militia act,	89-90	CONTINENTAL BILLS OF CREDIT.	
To be fined upon neglect or refusal to perform duties,	165	See Bills of Credit.	

	Page.		Page.
CONTINENTAL LOAN OFFICE.		COUNCIL OF SAFETY—Continued.	
Penalty for counterfeiting tickets of the,	104	Civil business to be carried on in same manner as before as far as conditions will permit,	150
CORDERS OF WOOD.		Members of the, indemnified against actions arising from things done in pursuance of act,	151
President and council to appoint,	106	Supreme executive council to have power to extinguish,	151
CORONERS. See Elections.		Act limited to end of next sitting of Assembly,	151
Constables, overseers of the poor, supervisors of the highway and, in office at the dissolution of the provincial government to continue in office,	17-15	Acknowledgments and probates of deeds made and taken by and before, declared to be valid,	263
Sheriff, justices and, of Philadelphia and Chester counties to appoint places of detaining criminals, etc., during possession thereof, by the enemy,	158	All such deeds to be recorded within nine months,	263-4
No sheriff, inspector, judge of elections or, to open ballots before the closing of the polls,	115	COUNTERFEITING.	
Penalty for so doing,	115	Of bills of credit to be punished by death,	9, 100
To give notice of special elections, ..	120	Penalty for counterfeiting continental loan office tickets,	104
To make returns of elections to the president and assembly,	120	Penalty for, bills of credit emitted by the Continental Congress,	104
Fees of, doubled,	229	Penalty for, United States lottery tickets,	105
Fees of, increased,	321-2	Penalty for, etc., continental bills of credit or loan office certificates,	253
Fines and penalties on, for neglect of duty increased,	320-1	COUNTY ASSESSORS. See Military Taxes.	
CORPORATIONS.		Oath of office of,	48
Scots Presbyterian Church in the City of Philadelphia incorporated, ..	338	To be administered by qualified commissioner,	49
COUNCIL OF SAFETY. See Committee and Council of Safety.		County Commissioners and, etc., to perform duties directed by military act,	126
Seized fire arms to be paid for by treasurer on order of,	11	Sheriff to appoint others where assessors are absent or neglect to do their duties,	126-7
Associators armed with seized fire arms to safely keep and return same to,	12	Penalty for neglect,	126-7
To administer oaths, to respective justices of the peace appointed by ordinance,	17	Penalty for appointees neglecting or refusing to serve,	127
Aggrieved agitators imprisoned by justices of the peace, to have appeal to,	20	Former assessors, etc., to deliver up books, records, etc.,	127
Constitution of,	149-50	Penalty for neglect or refusal,	127
Powers of,	150	Compensation of,	128
President of executive council and six members of the, to be a quorum, ..	150	Oath of,	154
		County commissioners to appoint, where freemen fail to elect,	155
		Compensation of,	155
		Parts of prior act repealed,	155-6
		Duration of act limited,	156

	Page.		Page.
COUNTY ASSESSORS—Continued.		COUNTY COMMISSIONERS—Continued.	
Fines and penalties on, for neglect of duty increased,	320-1	Oaths of persons appointed to make returns,	50-1
Fees of increased,	321-2	Disputes concerning the ages of non-associators to be settled by,	51
And commissioners to require district assessors to return lists of all taxable inhabitants,	444	Captains, etc., to make lists of associators and return them to the colonel who shall return duplicates to the,	51
And of their estates,	444	Clerks of, to make out lists of names returned in the duplicates,	51-2
To appoint township assessors in case of vacancy,	445	To fine non associators 3£ 10s,	52
And commissioners to quota the different townships after receiving returns from township assessors in order to raise military taxes,	446	To fine associators, 3s. 6d. for every passed parade day before signing, ..	52
To furnish respective township assessors with transcript of quota, ...	446	And assessors to appoint persons to collect aforesaid fines,	52
Township assessor to levy and collect quota,	446	Powers of collectors,	52
		Penalty for collectors refusing to do their duty,	52
COUNTY COMMISSIONERS. See Military Taxes.		Master or mistress detaining apprentice from associating to pay his fines,	53
Debtor making tender to notify, within six days of refusal of creditor to accept,	37	Apprentice refusing to associate to be fined,	53
Penalty for neglect,	37	Penalty for, and assessors refusing to act,	53
Too keep account of all moneys forfeited by creditor refusing to accept legal tender,	37	How recoverable,	53
Accounts to be settled by committee of assembly,	37	Filling of vacancy caused thereby, ..	53
To pay reward to person first giving information where debtor fails to give notice of creditors refusal to accept,	37	Associators defined,	53-4
To sue for two-thirds of forfeited debt,	37	Non-associators, etc., aggrieved by assessment to have appeal to,	54
Oath of office of,	48	Duties of the, after hearing the appeal,	54
Oath of office to be administered by justices of the peace in counties containing justices,	48	Fines collected under act to be paid to county treasurer and subsequently turned over to the state treasurer, ..	55
Qualified, to administer oath to county assessor,	49	Application of,	55
Oaths and affirmations taken under act declared binding,	49	Compensation of, and assessors,	55
To appoint persons to make returns of all males between the ages of 16 and 50,	50	County treasurer to give security to the, for faithful discharge of duties, ..	55
Exceptions,	50	To meet within 30 days at county court-house, and ascertain what proceedings have been had in pursuance of the military act and resolves,	125
Penalty on persons refusing to serve, ..	50	To appoint persons to make returns, in places where act has not been complied with,	125
In such case to appoint others to fill vacancy,	50	Commanding officers to make lists and returns,	126
		And assessors, etc., to perform duties directed by said act,	126

	Page.
COUNTY COMMISSIONERS—Continued.	
Sheriff to appoint others where commissioners are absent or neglect to do their duties,	126-7
Penalty for neglect,	126
Penalty for appointees neglecting or refusing to serve,	127
Former commissioners, etc., to deliver up books, records, etc.,	127
Penalty for neglect or refusal,	127
Compensation of,	128
Oath of,	154-5
To appoint assessors where freemen fail to elect,	155
Compensation of,	155
Parts of prior act repealed,	155-6
Duration of act limited,	156
To levy additional military tax from lists furnished by lieutenants,	168
And assessors to fix the quota of military taxes required from each township,	232
To appoint two freeholders to assist township assessors in assessing townships,	232
Penalty for nonfeasance or misfeasance of, and assessors,	233
Of Chester County, empowered to build a new bridge over Chester Creek without a draw,	271-2
Fines and penalties on, for neglect of duty increased,	320-1
Fees of, increased,	321-2
In the different counties to make out lists of all taxable inhabitants and return them to the general assembly,	327
Returns to be certified under oath, ..	327
Inhabitants driven off by incursions of Indians to be considered inhabitants of county from whence they removed,	328
Penalty on, for neglect of duty,	328
And assessors to require district assessors to return lists of all taxable inhabitants,	444
And of their estates,	444
To appoint township assessors in case of vacancy,	445

	Page.
COUNTY COMMISSIONERS—Continued.	
And assessors to quota the different townships after receiving returns from township assessors, in order to raise military taxes,	446
To furnish respective township assessors with transcript of quota,	446
Township assessor to levy and collect quota,	446

COUNTY RATES AND LEVIES. See County Taxes.

COUNTY TAXES.

Not to exceed 5s., to the £,	403
Treasurers to give security,	403
To be paid by persons in possession of lands, etc.,	403
Proviso,	403

COUNTY TREASURER.

To receive two-thirds of any debt forfeited by creditor refusing to accept legal tender in payment,	35-6
Compensation of, for handling fines imposed upon non-associators,	55
Bond of,	55
Fines imposed under militia act, to be paid to and turned over to the state treasurer,	81
To pay pensions out of state taxes in the county,	143
To receive pension certificates from recorder and use them as vouchers in settling accounts with committee of assembly,	144
To transmit a regular report to secretary of congress or board of war, ..	144
To receive fines imposed upon jurymen refusing or neglecting to perform duties,	166
To receive fines imposed upon supervisors neglecting or refusing to perform duties,	166
To receive additional military taxes and turn them over to the state,	168
Compensation of,	447

COURT CLERKS.

Of the respective counties to pay all license fees received, into the state treasury,	58
---	----

	Page.		Page.
COURT CLERKS—Continued.		CRIER.	
To send account thereof to committee of assembly appointed to settle public accounts,	58	Fees of the, of the court, doubled,...	229
COURT CRIER.		CRIMES.	
Fees of, doubled,	229	Committed in the counties of Phila- delphia, Bucks, or Chester to be tried at Lancaster,	221
COURT-HOUSE.		Expenses of trial, etc., to be paid by the county wherein the crime was committed,	221
Trustees for building prison and, in Bedford county to sell temporary prison,	316	CRIMINALS.	
Money received to be applied for pay- ing for new court-house and prison, ..	316	Acts of grace granted to,	5
COURT MARTIAL.		CUMBERLAND COUNTY.	
Militia officers not to sit in any court martial trial of the continental forces and vice versa,	83	Boundaries of,	397
Disorders and neglects of officers or privates to be taken cognizance of by a general or regimental,	91-2	Overseers of the poor of Bedford, Northumberland, Westmoreland and, to appoint a place for, and to give notice of the elections of justices of the peace,	43-4
Members of general court martial, ..	92	Places of holding elections in,	117
Members of regimental court martial, ..	92	Place of holding elections in Armagh and Derry Townships,	224-5
Convictions to be had on two-thirds votes,	92	Commissioners and assessors to remit or mitigate taxes on those who have been disabled, etc., or driven off by the enemy,	325
Witnesses to be examined on oath by president of,	92	Commissioners and assessors to return lists to general assembly of the names of persons exonerated,	326
Oath of members of,	92	Deficiencies to be paid out of state taxes,	326
By whom administered,	92	Parts of former acts repealed,	326
Punishment by, to be limited to de- grading, cashiering, or fining,	93	Entitled to seven members in the gen- eral assembly,	395
County lieutenant to have power to pardon all persons court martialled, ..	93	CURSING.	
Officer or private to have appeal from regimental to general court martial, ..	93	Prohibited,	334
All offences except high treason to be tried by militia court martial,...	134	Penalty for violation,	334
COURTS.		Offenders to be prosecuted within ten days after commission of offense,...	334
All, to be held within the common- wealth at the same time and places as formerly under the colonial gov- ernment,	31	D.	
All officers of, to exercise the same powers as formerly,	31-2	DAMAGES. See Treble Damages.	
COWS. See Cattle.		DEATH.	
CREDITORS. See Debtors; Legal tender.		Punishment for forging or counterfeit- ing bills of credit,	9, 100
		Punishment for treason,	46

	Page.		Page.
DEBT. See Action of Debt; Imprisonment for Debt.		DERRY TOWNSHIP.	
DEBTORS. See Creditors; Fraudulent Debtors; Legal Tender.		Place of holding elections in Armagh and, Cumberland County,224-5	
DEBTS.		DESERTERS.	
Due the United States, how recoverable, 222		Constables to apprehend all and take them before a justice of the peace, 60	
DEEDS. See Recorder of Deeds.		Upon proof of desertion, justice of the peace to commit, 60	
Acknowledgments and probates of, made before any member of the council of safety or any justice of the peace appointed by the convention of 1776, made valid, 263		Sheriff to notify commanding officer of, so that he may be proceeded against under the martial law of the U. S., 60	
All such, to be recorded within nine months,263-4		Jailer to receive full subsistence of deserter but no fee or reward, 60	
DEER SKINS.		Reward of constable for apprehending, 60	
Price of, regulated, 237		Penalty for harboring,60-1	
Penalty for asking more for, than allowed by act, 238		Penalty, how recoverable, 61	
DEFENDANT.		Houses not to be broken-open and searched for, without a warrant, ..61-2	
In suits under militia act, may plead general issue and give act and special matter in evidence, 90		Penalty for so doing, 62	
To recover double costs in certain cases where plaintiff becomes nonsuit, suffers a discontinuance, or has judgment pass against him, ... 198		Constables to go to suspected places and search for, 62	
To recover treble costs in certain cases where plaintiff discontinues, becomes nonsuit, or fails to secure a verdict,90, 387		Who may be apprehended as, 62	
DELAWARE RIVER.		Penalty for refusing to assist constable to apprehend, when called upon, 62	
Act regulating fishing in Schuylkill river extended to, as far down as Province Island, 67		Reward for private persons apprehending,62-3	
DELEGATES IN CONGRESS.		Persons apprehending, to be exempted from two months actual service in the militia, 218	
Exempted from additional military tax, 168		DESERTION. See Deserters.	
DE NORMANDIE, JOHN ABRAHAM.		DEWEES, WILLIAM.	
Supreme executive council empowered to allow further time to, to sell his property and retire out of the state, than allowed by prior act, 270		Indemnified for removing prisoners from new gaol and imprisoning them in the old gaol in Philadelphia,256-7	
DEPUTY SHERIFF. See Sheriff.		DISCONTINUANCE.	
		Defendant to have treble costs in certain suits, if plaintiff become nonsuit, suffer, or verdict pass against him,90, 387	
		Plaintiff to be mulcted in double costs in suits under the act for the better supply of the armies of the United States where he becomes nonsuit, suffers a, or has judgment pass against him, 198	
		DISCOVERER. See Informer.	

Page.		Page.
	DISTILLERS. See Whiskey.	
	DISTRESS.	
	Lieutenant to procure substitute where	
	a member of the militia fails to at-	
	tend or send one and charge the	
	same to the delinquent, 83	
	Charges to be recovered by, 83	
	Fines imposed under militia act to be	
	recovered from delinquent by, 187	
	DISTRICT ASSESSORS. See County As-	
	sessors; Military Taxes; Special Taxes.	
	DITCHES.	
	Penalty for filling up drains or, cut	
	or opened by supervisors, 402	
	DIVORCE.	
	Of James and Elizabeth Martin, 433	
	James Martin authorized to remarry, 435	
	DOUBLE COSTS.	
	Successful defendant in prosecution	
	under act for the better supply of	
	the armies of the United States to	
	recover, 198	
	DRAINAGE.	
	Penalty for filling up drains in high-	
	ways, 402	
	DRAINS.	
	Penalty for filling up ditches or, cut	
	or opened by supervisors, 402	
	DRAM SHOPS.	
	Penalty for keeping, without a license	
	increased, 313	
	DRUM MAJOR. See Militia.	
	DRUMS. See Militia.	
	County lieutenants to draw on the	
	state treasury for the purchase of,	
	etc., 85	
	DRUNKENNESS.	
	Prohibited, 334	
	Penalty for violation, 334	
	Offenders to be prosecuted within ten	
	days, after commission of offense,.. 334	
	DUELLING.	
	Challenges, prohibited, 336	
	Penalty for violation, 336-7	
	Penalty for accepting challenge, 337	
	Penalty for carrying and delivering	
	challenges, 337	
	Disposition of fines accruing under	
	act, 337	
	Offenders to be prosecuted within	
	three months after commission of	
	offense, 337	
	Former act repealed, 338	
	E.	
	EARS.	
	Lopping of, part punishment for	
	knowingly uttering raised bills of	
	credit, 9, 101	
	EASTON, JAMES.	
	Released by ordinance, 12	
	ELECTION OFFICERS.	
	Fines and penalties on, for neglect of	
	duty increased, 320-1	
	Fees of, increased, 321-2	
	ELECTIONS.	
	Free-holders of Philadelphia city,	
	districts and townships to meet and	
	choose justices of the peace, 41	
	Commissioners and assessors of Phila-	
	delphia, Bucks, Chester, Lancaster,	
	Berks, York and Northampton, to	
	meet and divide their counties into	
	districts, 41-2	
	Free-holders of each district to meet	
	on March 10, and elect two justices	
	of the peace, 42	
	Penalty for neglect or refusal, 42	
	Free-holders of each township in the	
	other counties to elect two justices	
	of the peace and county town six,.. 42	
	Election officers to be elected, 43	
	Election officers to conduct the, re-	
	ceive votes, count and return the	
	same to the president and council or	
	the general assembly, 43	
	One-half of justices elected to be com-	
	missioned, 43	
	Oath of election officers, 43	

	Page.
ELECTIONS—Continued.	
Overseers of the poor of Cumberland, Bedford, Northumberland and Westmoreland to appoint a place for, and to give notice of the, of justices,....	43-4
The boroughs of Chester, Bristol and Lancaster to elect burgesses, constables, etc.,	44
Burgesses of Bristol and Lancaster to be also justices of the peace,	44
Justices when commissioned to have same powers as formerly under the provincial laws,	44
Exceptions,	44-5
Commissioners and assessors of Philadelphia county to divide it into election districts,	73
Freeholders to elect justices of the peace,	73-4
Other counties also to be divided into election districts,	74
Justices of the peace to be elected therein,	74
How justices to be elected in case of neglect,	74-5
President and council to appoint additional justices upon request,	75
No sheriff, coroner, inspector or judge of, to open ballots before the closing of the polls,	115
Penalty for so doing,	115
Part of election act of 1705 repealed,..	115
Elections to be held annually on the second Tuesday of October,	115-6
Places of holding, in the respective counties,	116-120
Persons holding lands in two districts not to vote more than once,	120
Special elections to be held at the same places,	120
Notice thereof to be given by sheriff, etc.,	120
Sheriff, etc., to make returns of, to the president and assembly,.....	120
Freemen to elect inspectors on the Saturday preceding the annual election,	120
Inspectors to choose judges,	121
Oath of judges,	121
Oath of inspectors,	121

	Page.
ELECTIONS—Continued.	
Judges to open the polls some time between the hours of 10 A. M. and 2 P. M.,	121
Oath of electors,	122
Elector to produce certificate of oath of allegiance or take the same before the inspector,	122
Election officers to count the votes, make a certificate thereof and make returns to county seat,	122
Penalty for nonfeasance or misfeasance of election officers,	123
Penalty, how recoverable,	123
Application of penalty,	123
Actions under act to be commenced within three months,	123
Parts of prior acts repealed,	123
Members of assembly to issue writs for, in counties neglecting to do so, 146	146
Holding of, in Philadelphia, when it is in possession of the enemy,	147
Judges of, to give notice to assemblymen and members of council elected, 223	223
In case of neglect, the judge of the nearest district to give notice, ...	223-4
Compensation and mileage of judges, 224	224
Judges to lay their accounts before the county commissioners,	224
Penalty for misfeasance or nonfeasance of judges,	224
Place of holding, in Armagh and Derry townships, Cumberland county,	224-5
Nearest justice in case of vacancy in office of justice to command constables to hold election within 20 days,	266
Constables to give ten days notice to freeholders,	266
Freeholders to elect twice the number required and make return to president, etc., and council,	266-7
One-half of number elected to be commissioned to fill vacancies,	267
Where freeholders refuse or neglect to elect justices the president, etc., in council to fill vacancy by appointment,	267
ENGROSSING.	
Defined,	422

	Page.
ENGROSSING—Continued.	
Punishment for,	422
Act not to extend to agents buying for the United States,	422
Persons not allowed to purchase articles of necessity or any goods or merchandise except for family use, without permit,	177
Permits to be granted to citizens of good character who have taken oath of allegiance,	177-8
Permit to be revoked upon any violation of act,	178
Persons convicted of violating act to forfeit all goods, etc.,	178
Disposition of penalty,	177-8
Engrossers not allowed to sell without a permit articles brought in from other states,	178
Penalty for violation,	178
To deliver on oath to commissioners, an inventory of all articles in possession before receiving the permit,	178
Penalty for applying for permit without inventory,	179
No commissary of the army to purchase any of said articles without producing his appointment and obtaining a certificate from commissioners,	179
Penalty for violation,	179
Commissioners appointed for the respective counties,	179-80
Costs of permit,	180
Persons aggrieved by judgment of commissioners to have appeal to the supreme executive council or to the justices of the peace of the county,	180
Person purchasing whiskey or clothing necessary for the army to give commissioners security that he will not remove the same out of the state,	180
Purchasing imported or manufactured goods for sale except from importer or manufacturer prohibited,	422-3
Penalty for violation,	423
Disposition of penalty,	423
Not to apply to licensed tavern keepers,	423
Retailers not to sell goods at more than 25 per cent., profit,	423

	Page.
ENGROSSING—Continued.	
Retailers to obtain license,	423
Oath of retailers,	423-4
Penalty for selling goods without a license,	424
Persons having goods on hand at passing of act to sell the same for ready money,	424
Thirty per cent. profit allowed on salt and brown sugar,	425
Penalty for refusing to sell goods at fixed prices,	425
Justice of peace to issue warrants for seizure of supplies held by engrossers,	425
Proceedings after seizure,	426
Penalty for neglect or refusal of justice to issue warrant,	426
Penalty for sheriff neglecting or refusing to serve warrant,	426
Defendants may plead general issue and give act and special matter in evidence,	427
Defendants to have treble costs if plaintiff become nonsuit, suffer discontinuance, or have judgment given against him,	427
Commissioners appointed for carrying act into effect,	427-8
Duties of commissioners,	428
Oath of commissioners,	429
Penalty for insulting commissioners,	429
Penalty for neglect or refusal of commissioners to act,	429
Powers of commissioners,	430
Millers prohibited from hoarding wheat or flour,	430
Penalty for violation,	430

ESSOIN.

Not allowed,	286
--------------------	-----

ESTATES.

Held under aliens not naturalized, made valid,	258
Of Thomas Beans, established and confirmed,	417-18
Of John Sommers, established and confirmed,	419-20

	Page.		Page.
EVIDENCE.		EXECUTIVE COUNCIL. See Supreme	
Act of assembly to be given in,	35, 90, 198, 337	Executive Council.	
Attestations of the register of the court of admiralty to be received as,	280	Judges of elections to notify assemb- lymen and members of the, of their election,	223
Depositions of witnesses taken before the judge of admiralty and filed in office of register to be, in case of death or absence of witness,	280	In case of neglect, the judge of the nearest election district to give no- tice,	224
		Members of the, excused from serving in the militia,	77
EXCISE.			
Collectors of, under provincial govern- ment to retain powers,	56	EXPORTS. See Flour.	
All excise due by former laws to be paid,	56	Embargo on, for a limited time, ..	273, 294
Tavern keepers, etc., to pay usual li- cense fee as formerly,	57	Exportation of, prohibited for a limit- ed time,	273, 294
License fees, how recoverable,	57	Act not to prohibit ships taking on board necessary provisions,	273, 295
Compensation of collectors,	57-8	Wheat attempted to be exported to be seized and forfeited,	273, 295
No person to set up tavern keeping, etc., without getting a license,	58	Disposition of forfeiture,	273, 295
Penalty for tavern keeping without a license,	58	Supreme executive council empowered to revoke the embargo on,	273
Secretary of the council to receive 6s. for writing each license,	58	Wheat, rye, barley, meal, flour, malt, etc., not to be exported or carried out of state,	318
Clerk of the respective county courts to pay all license fees received, to the state treasury,	58	Except for the use of the United States,	318
To send account thereof to committee of assembly appointed to settle pub- lic accounts,	58	Penalty for violation,	318
President and vice president to grant licenses in all cases where governors had previously done so,	58-9	President and supreme executive council empowered to permit expor- tation of wheat, flour, barley, etc., to any of the United States,	377
Fees to be paid to the state secretary, ..	59	Provided that it appears such exports can be spared,	378
Secretary to turn them over to treas- urer every three months,	59	Sufficient quantity for consumption of the army and inhabitants of the state to be reserved,	378
Compensation of secretary,	59	Also that it appear that such exports are necessary for the home consump- tion of the state applying for same, ..	378
Secretary to account to committee of assembly appointed to settle public accounts,	59		
Act to include peddlers, hawkers, and petty chapmen,	59	EXTORTION.	
Rates of, increased,	313	Penalty for, from travelers by per- sons working on highways,	401
Moneys arising from to be paid to state treasurer within three months, ..	314	Penalty for connivance of supervisors at, from travelers,	401-2
Penalty for neglect or refusal,	314		
EXECUTION.			
Issued against persons attainted of treason, declared to be void,	350		

	Page.		Page.
F.		FEES—Continued.	
FAIR DEALING. See Engrossing; Fore-		Of clerk of the court of quarter ses-	
stalling; Regrating.		sions, doubled,	229
Act to prevent forestalling and re-		Of the prothonotary of the court of	
grating and to encourage,	177	common pleas, doubled,	229
Commissioners of clothing to search		Of the clerk of the orphans' court,	
for and seize goods liable under act		doubled,	229
for the encouragement of,	245-6	Of registers, doubled,	229
To make return thereof to commis-		Of attorney's, doubled,	229
sioners appointed in former act,	246	Of constables, doubled,	229
Not to break any doors or locks to		Of jurors, doubled,	229
make such search or seizure without		Of crier of the court, doubled,	229
first obtaining search warrant,	246	Of witnesses, doubled,	229
Oath of commissioners,	246	Of the master of the rolls, trebled,	250
Commissioners to administer oath to		Of recorders of deeds, trebled,	230
persons applying for licenses under		Duration of act limited,	230
former act,	246	Of county treasurers for performing	
Commissioners not to grant permits or		duties in raising military taxes, ...	233-4
licenses to persons debarred from		Of state treasurer, for performing	
the privilege of being peddlers or		duties in collecting military taxes, ..	234
hawkers,	247	Of judge of admiralty,	281
Commissioners appointed for the city		Of register and marshall of the court	
of Philadelphia under act for the en-		of admiralty,	281
couragement of,	293	Of commissioners appointed to admin-	
		ister oath of allegiance,	307
		Of auditors appointed to settle ac-	
		counts of committee and council of	
		safety,	311
		On tavern licenses increased,	313
		Of agents for selling forfeited estates, ..	332
		Of public officers increased,	321-2
		Of lieutenants,	356
		Of commissioners appointed to settle	
		the accounts of certain public offi-	
		cers,	357
		Of county commissioners, assessors	
		and collectors for performing duties	
		in relation to military taxes,	372
		Of appraisers appointed under act for	
		supplying the army of the United	
		States,	377
		Of constables for performing duties	
		under act for supplying the army of	
		the United States,	377
		Of commissioners appointed to collect	
		flour for the use of the armies of	
		the United States,	439
		Of state treasurer,	447
		Of county treasurers,	447
		Of freeholders,	447
		Of county commissioners and assess-	
		ors,	448
FEES.			
Of county commissioners and as-			
sessors,	128		
Of justices and free-holders for ex-			
amining certificates and making			
orders for payment of pensions, ...	145		
Of recorder for recording certificates			
and furnishing copies to pensioners, ..	145		
To be paid for by the United States, ..	145		
Of assemblymen,	169-70		
Of justices for warrant to impress			
wagons,	183		
Of constables for service thereof,	183		
Of wagon-master general,	184		
Of wagon-masters and assistants,	184		
Of wagon drivers, etc.,	184		
Of judges of elections,	224		
Of supervisors,	228		
Of the attorney general, doubled,	229		
Of sheriffs, doubled,	229		
Of coroners, doubled,	229		
Of justices of the peace, doubled,	229		
Of justices of the orphans' court,			
doubled,	229		
Of prothonotary of the supreme court,			
doubled,	229		

	Page.		Page.
FEES—Continued.		FINES—Continued.	
Of township assessors,	448	Penalty for deserting when called into actual service,	86
Of collectors,	448	Penalty for members of the militia cursing when on duty,	90
FIELD OFFICERS. See Militia.		Penalty for misfeasance and non-feasance of militia officers and constables,	89-90
FIFE MAJOR. See Militia.		Penalty for members of the militia disobeying superior officer,	90
FIFES. See Militia.		Penalty for promoting mutiny, etc., ..	90
FINES. See Penalties.		Penalty for striking superior officer, ..	91
For raising or knowingly uttering raised bills of credit,	10, 101	Penalty for officer striking inferior, ..	91
Application of,	10, 101	Penalty for members of the militia using insolent or indecent language, ..	91
Granted to the governor under the revived provincial laws to be paid into the state treasury,	33	Penalty for officer or private being found drunk under arms,	91
Imposed upon non-associators and neglecting associators,	52	Penalty for sentinel sleeping at or absent from post,	91
For collectors appointed by commissioners and assessors to collect fines imposed upon non-associators, refusing to do their duty,	52	Penalty for members of the militia refusing to give evidence in court martial proceedings,	92
Master or mistress detaining apprentice from associating to pay his fines,	53	Punishment by court martial limited to degrading, cashiering, or fining, ..	93
For apprentice refusing to associate, ..	53	Penalty for forging certificate of oath of allegiance,	114
Penalty for county commissioners and assessors refusing to act under act for fining non-associators, etc.,	53	Penalty for sheriff neglecting to appoint where county commissioners or assessors, etc., are absent or neglect to do their duty,	126
How recoverable,	53	Penalty for county commissioners or assessors appointed by sheriff neglecting or refusing to serve,	127
Collected under act fining non-associators, etc., to be paid to county treasurer and subsequently turned over to the state treasurer,	55	Penalty for former commissioners, etc., refusing to deliver up to successor, books, records, etc.,	127
Application of,	55	Penalty for refusing to bring arms, etc., to place of parade on days of exercise of militia,	132
Penalty for harboring deserters,	61	Penalty for officers falling of re-election to deliver up arms, colors, etc., ..	133
Penalty for refusing to assist constable to apprehend deserters,	62	Penalty for male white persons capable of bearing arms, peddling or hawking within the commonwealth, ..	138
Application of,	62	Penalty for constables neglecting or refusing to perform duties,	165
Penalty for officer or private neglecting to attend militia on days of exercise,	80	Penalty for jurymen neglecting or refusing to perform duties,	166
How recoverable,	80-1	Penalty for supervisors neglecting or refusing to perform duty,	166
Disposition of,	81		
Master or mistress to pay fines imposed upon apprentice for non-attendance of militia,	81		
Penalty for buying or selling arms belonging to the state,	84		
Penalty how recoverable,	84		

	Page.
FINES—Continued.	
Penalty for lieutenant neglecting to furnish county commissioner and assessors lists of the members of the militia,	167
Penalty for unlawfully impressing wagons, etc.,	184
Imposed under militia act, to be recovered by delinquent by distress,..	187
Penalty for judges of election refusing or neglecting to do their duties,	224
Penalty for refusing to take oath of allegiance,	240
Application of,	240
To be recovered by distress,	240-1
Penalty for election officers, receiving votes of persons not having taken oath of allegiance,	286
Disposition of,	286
Penalty for violating act prohibiting the making of whiskey for a limited time,	298
Penalty for refusal to deliver copies of registers to commissioners appointed to administer oath of allegiance,	307
For keeping taverns, tippling houses, etc., increased,	313
For exporting wheat, rye, barley, etc.,	318
Disposition of,	319
And penalties on public officers for neglect of duty increased,	320-1
Disposition of, in Philadelphia,	321
Penalty on county commissioners failing to make out lists of taxables, etc.,	328
Penalty for working on Sunday,	333
Penalty for blasphemy, profanity, cursing, etc.,	334
Penalty for drunkenness,	334
Penalty for cock fighting, billet playing, horse racing, etc.,	335
Disposition of,	337
Penalty for challenging to a duel, accepting challenge, etc.,	337
Penalty for erecting theatres, play houses, etc.,	337
Penalty for exhibiting or encouraging stage plays,	337

	Page.
FINES—Continued.	
Penalty for commissioners, lieutenants, etc., refusing to produce accounts, etc., before auditing commissioners,	353
Accruing under act compelling persons to account for public moneys, etc., how recoverable,	355
Disposition of,	355-6
Penalty for failing to perform militia duties increased,	381-2
Penalty for captain neglecting to make return to commanding officer of militia absentees,	382
Penalty for commanding officer to make return to lieutenants, etc., ...	382
Penalty for seizing wagons without obtaining warrant from the supreme executive council,	385
Penalty for transporting private property, in wagons drawn in the public service,	386
Penalty for neglect or refusal of the clerk of the market to pay over rents to treasurer of the wardens and assessors of Philadelphia,	393
Penalty for persons appointed to collect certain taxes in Philadelphia refusing to act,	393
Penalty for tax collectors or constables in the City of Philadelphia neglecting or refusing to act,	399
How recoverable,	400
Disposition of,	400
Penalty for supervisors neglecting or refusing to act,	401
Penalty for extortion from travelers by persons working on highways,..	401
Penalty for connivance of supervisors at extortion from travelers,	401-2
Penalty for filling up ditches opened or cut by,	402
Penalty for millers or bolters packing flour for exportation except in casks of the prescribed size,	412
For neglect or refusal of masters of ships to make return to naval officer of articles on board, etc.,	413
Penalty for commissioners appointed to collect flour for the armies of the United States neglecting to act, ..	439

	Page.		Page.
FIRE ARMS.		FLOUR—Continued.	
Of non associators to be collected in every district by colonel of the battalion,	11	Where owner refuses to open barn, etc., inhabitants authorized to enter by force,	374
Owners to be given receipts and paid for the same,	11	Inhabitants to carefully examine quantity of grain or, etc., such persons are possessed of,	374
Seized, to be repaired and used in the service,	11	To appraise overplus at current prices,	374
Value of to be appraised by three freeholders,	11	To make return to justices of the quantity that can be spared and the appraised price thereof,	374
Where owners of, neglect to apply for amount awarded within six months the amount to be used in payment for repairs thereof,	11	If owner refuse to sell at appraised price to families in need of same justice to direct constable to seize necessary grain or, to support such family until August 1st, 1779,	374-5
Colonels authorized to draw on the council of safety to pay for seized, and repairs thereof,	11-12	Quantity and appraised value to be inserted in the warrant,	375
Associators to be armed with,	12	Constable to deliver the grain or, to the persons obtaining warrant upon their paying or tendering the appraised price to the owner,	375
To be answerable for the safe keeping of same,	12	If no application be made by citizens for grain within forty days after appraisement justice to issue warrant on application of quarter-master, etc.,	375
Seized, not worth repairing to be laid by and returned to owner at proper time,	12	Justice not to issue warrant, on application of quarter-master unless appraisers certify that there will still be enough grain left to support inhabitants of township until August 1, 1779,	375
FISHING.		Where owner refuses to accept money tendered, persons receiving grain, etc., to deposit the same with the justice for the use of the owner, ...	375
Act regulating, in Schuylkill river, revived,	67	Justice to give receipt for the same, ..	375
FLAX.		Receipt to exonerate such persons from all demands of the owner,	376
Price of, regulated,	236	Justice to pay the same to owner if he apply for it within two days after seizure of grain,	376
Penalty for asking more for, than allowed by act,	238	After two months and two days justice to turn the same over to the county treasurer,	376
FLOUR. See Exports.		Penalty for concealing or refusing to deliver grain, etc., within 60 days of appraisement,	376
Exportation of, prohibited for a limited time,	273, 294	Disposition of penalty,	376
Act not to prohibit ships taking on board necessary provisions,	273, 294	Owner bona fide selling grain, etc., not liable to penalty,	376
Attempted to be exported to be seized and forfeited,	273, 295		
Disposition of forfeiture,	273, 295		
Supreme executive council empowered to revoke the embargo on,	273, 295		
Price of, regulated,	236		
Penalty for asking more for, than allowed by act,	238		
Justices of the peace upon information to issue warrant to three inhabitants to search the premises of persons who are believed to have more grain or, than necessary for family use,	373-4		

	Page.
FLOUR—Continued.	
Where owners refuse to thresh grain, persons obtaining warrant to do so,	376-7
Penalty for refusing to permit grain to be threshed,	377
Compensation of appraisers and constables,	377
Compensation of appraisers and constables, to be paid by owners out of appraised price of grain,	377
But where price tendered does not amount to appraised price of grain or where it is adjudged the owner has not more grain or flour than necessary for family use such charges to be paid by person obtaining warrant,	377
Size of casks used in exporting, regulated,	411
Casks to be of three distinct sizes, ..	412
Millers or bolters not to pack, for exportation except in casks of the prescribed size,	412
Penalty for violation,	412
Millers and bolters allowed six months to dispose of, already packed,	412
Masters of ships to declare to naval officer the number of barrels of, shipped on board,	413
And also the names of the shippers, ..	413
Penalty for neglect or refusal to make such returns to naval officer,	413
Fines and penalties, how recoverable, ..	413
Fees of officer for performing duties under act,	413
Parts of former act repealed,	413
FLOUR CASKS.	
Size of, regulated,	411-12
Quota of, to be furnished by each county for the use of the army of the United States,	437
To be paid for at the market price, ..	437
Delivered pursuant to resolve of supreme executive council deemed part of quota,	437-8
FORESTALLING.	
Defined,	177, 387-8, 421-2
Punishment for	177, 388, 422

	Page.
FORESTALLING—Continued.	
Persons not allowed to purchase articles of necessity or any goods or merchandise except for family use, without a permit,	177
Permits to be granted to citizens of good character who have taken oath of allegiance,	177-8
Permit to be revoked upon any violation of act,	178
Persons convicted of violating act to forfeit all goods, etc.,	178
Disposition of penalty,	178
Engrossers not allowed to sell without a permit, articles brought in from other states,	178
Penalty for violation,	178
To deliver on oath to commissioners, an inventory of all articles in possession before receiving permit, ...	178
Penalty for applying for permit without inventory,	179
No commissary of the army to purchase any of said articles without producing his appointment and obtaining a certificate from commissioners,	179
Penalty for violation,	179
Commissioners appointed for the respective counties,	179-80
Costs of permit,	180
Persons aggrieved by judgment of commissioners to have appeal to the supreme executive council or to the justices of the peace of the county,	180
Persons purchasing whiskey or clothing necessary for the army to give commissioners security that he will not renew the same out of the state, ..	180
Commissioners of clothing to search for and seize goods liable under act for the prevention of,	245-6
To make return thereof to commissioners appointed in former act, ...	246
Not to break any doors or locks to make such search or seizure without first obtaining a search warrant, ..	246
Oath of commissioners,	246
Commissioners to administer oath to persons applying for licenses under former act,	246

	Page.
FORESTALLING—Continued.	
Commissioners not to grant permits or licenses to persons debarred from privileges of being peddlers or hawkers,	247
Commissioners appointed for the city of Philadelphia under act for the prevention of,	293
Penalty for violation,	388
Act not to extend to innkeepers victuallers, butchers, or hucksters, ...	388
Nor to imported victuals, except salt, and fish,	388
Nor to persons who buy up live stock for the purpose of fattening them, ..	388-9
Penalty for violation of act,	389
Purchasing imported or manufactured goods for sale except from importer or manufacturer prohibited,	422-3
Penalty for violation,	423
Disposition of penalty,	423
Not to apply to licensed tavern keepers,	423
Retailers not to sell goods at more than 25 per cent. profit,	423
Retailers to obtain license,	423
Oath of retailers,	423-4
Penalty for selling goods without a license,	424
Persons having goods on hand at passing of act to sell the same for ready money,	424
Thirty per cent. profit allowed on salt and brown sugar,	425
Penalty for refusing to sell goods at fixed prices,	425
Justice of peace to issue warrants for seizure of supplies held by engrossers,	425
Proceedings after seizure,	426
Penalty for neglect or refusal of justice to issue warrant,	426
Penalty for sheriff neglecting or refusing to serve warrant,	426
Defendant may plead general issue and give act and special matter in evidence,	427
Defendants to have treble costs if plaintiff become nonsuit, suffer discontinuance, or have judgment given against him,	427

	Page.
FORESTALLING—Continued.	
Commissioners appointed for carrying act into effect,	427-8
Duties of commissioners,	428
Oath of commissioners,	429
Penalty for insulting commissioners, ..	429
Penalty for neglect or refusal of commissioners to act,	429
Powers of commissioners,	430
Millers prohibited from hoarding wheat or flour,	430
Penalty for violation,	430
FORFEITED ESTATES.	
President, etc., to inquire into the forfeited estates of traitors and cause rents, issues and profits thereof to be paid to state treasurer,	204
To be sold and conveyed under the state seal,	205
Registers to be made of the names of attainted persons and of the estates forfeited,	206
Reward for the discovery of traitor's real estate,	208
President, etc., to let out on rent forfeited real estates not exceeding two years,	209
President, etc., to cause a register of the names and estates of the persons attainted to be made and kept by the secretary,	210
Register to be open for inspection, ...	210
Copies of register to be sent to justices of the supreme court, and also to the sheriff of the counties wherein the lands lie,	210
Sheriff to insert the same in a book, ..	210
Book to be open for inspection,	210
President, etc., after twelve months to sell the said estates at public vendue,	210
Public notice to be given of the time and place of sale by advertisement in the newspapers,	210
President, etc., to make a deed under the state seal and the buyers to hold free of all incumbrances,	211

	Page.		Page.
FORFEITED ESTATES—Continued.			
All persons and bodies politic claiming any interest in the forfeited estates to enter their claims before the justices of the supreme court, in writing,	211-12	Public notice of sales to be given, ...	329
Supreme court to determine the same in a summary way,	213	Claims on, to be made within six months,	329
Attorney-general to make defences in behalf of the state to all such claims,	213	Proviso as to feme covert, minors, etc.,	329
Supreme court to proceed summarily as to the claims,	213	Reversal of any attainder not to affect title of bona fide purchaser, ...	330
Claims of debts out of forfeited estates to be paid by the treasurers,...	214	Injured party to be indemnified by legislature out of public treasury, ..	330
Claimants of real estate to be put in possession by sheriffs,	214	Agents selling forfeited estates to pay moneys received to state treasurer within three months after sale,	330
All conveyances made by traitors after July 4, 1776, declared to be void, ..	214	Penalty for neglect or refusal,	330
Except those made bona fide and for a valuable consideration,	214-15	Act not to prevent persons claiming lands by title paramount from asserting rights,	331
Tenants having paid rent bona-fide to traitors, to be discharged,	215	Of Reynold Keen, revested in him, ...	408
Supreme court to order and appropriate part of forfeited estates for the support of traitor's wife or children,	215	Except such parts as were sold prior to November 28th, 1778,	408
Premises at 6th and High Street, Philadelphia, formerly belonging to Joseph Galloway, traitor vested in trustees for the use of president, etc.,	324	To be liable for costs and charges incurred by commissioners,	408-9
Purchasers evicted within twenty years to be reimbursed by the State, ...	331	Of Nathaniel Vernon vested in his four sons,	409-10
Where claims are made upon, of traitors, justices to direct issues, when requested,	331		
All such claims to be over five pounds, ...	331	FORFEITURE.	
Compensation of agents for selling, ..	332	Part punishment for counterfeiting, raising or knowingly uttering counterfeit or raised bills of credit, .9-10, 100	
Fees for services done under act to be the same as other cases in the supreme court,	332	Part punishment for treason,19, 203-4	
Reasonable expenses to be allowed judges for extra services,	332	Part punishment for misprison of treason,	19
Salaries of the judges of the supreme court to be paid on their own orders, by quarterly payments,	332	Granted to the governor under the revived provincial laws to be paid into the state treasury,	33
Parts of former acts repealed,	332	Estates of persons convicted of treason to be forfeited to the commonwealth, ...	46
President, etc., to sell at public auction estates of traitors,	329	Trial judge to appropriate part of forfeited estate to support of traitors' wife and children,	46
Moneys arising from such sales to be paid into public treasury,	329	Penalty for violation of act preventing, forestalling and regrading, ...178-9	
		Certain articles attempted to be exported to be seized and forfeited, ..	273
		Disposition of,	273
		Negro or mulatto slaves imported after July 4, 1776 not entered with the collectors or clerk of the sessions within three months to be forfeited,	276

	Page.		Page.
FORFEITURE—Continued.		FRAUDULENT DEBTORS.	
Penalty for, violating act regulating prices of goods, wares, and merchandise,	238	Required to give security to their debtors,	21
Persons refusing to take oath of allegiance to forfeit their goods and chattels and depart the estate within thirty days,	241	Upon default to be committed,	22
Property of persons commissioned under King of Great Britian to be forfeited unless they renounce and take oath of allegiance before June 10, 1778,	243-4	G.	
Proviso as to those who apply for leave to sell and retire out of the state,	244	GALLOWAY, JOSEPH.	
Penalty for attempting to import British goods,	291	Premises at 6th and High Street, Philadelphia, formerly belonging to, traitor, vested in trustees for the use of, president, etc.,	324
Disposition of,	291	GAOL DELIVERY.	
Masters of incoming vessels neglecting to make reports to naval officer to forfeit 100£,	292	Courts of, to be held within the commonwealth at the same time and place as formerly under the provincial government,	31
All imported goods landed without report to be forfeited,	292	All officers, to exercise the same powers as formerly,	31-2
Disposition of forfeiture,	292	Justices of the courts of oyer and terminer and, in Chester and Bucks counties empowered to hold courts other places than usual during possession thereof by the enemy,	172-3
Vessels employed in transporting fuel, stone, etc., within the bay and river of Delaware excepted,	292	Notice thereof to be given by the sheriff,	173
Violators of act prohibiting the making of whiskey to forfeit the value of all grain used in the making thereof,	298	Courts of quarter sessions, common pleas, and, in Bucks County to be held in safe places during invasion of commonwealth by the enemy,	247-8
Collection and disposition of,	299	Ten days public notice thereof to be given,	248
Penalty for exporting wheat, rye, barley, etc.,	318-19	GELDINGS. See Cattle.	
Penalty for forestalling or regrating,	389	GENERAL ASSEMBLY.	
Disposition of,	389	Speaker of, to send for absent members where a quorum fails to meet for the space of six days,	28
FORGERY.		Where two-thirds of the members for each county fail to meet within ten days, the majority of such as do appear to order election to fill vacancies, new members to take their seats on the 14th day after every election,	29
Of bills of credit to be punished by death,	9, 100	Acts of, in force May 14, 1776, revived and made binding from and after February 10th, 1777,	30
Penalty for forging continental loan office tickets,	104	Exceptions,	31
Penalty for forging bills of credit emitted by the Continental Congress,	104		
Penalty for forging U. S. lottery tickets,	105		
Penalty for forging certificate of oath of allegiance,	114		
Penalty for the forgery of continental bills of credit or loan office certificates,	253		

Page.		Page.	
	GENERAL ASSEMBLY—Continued.		GERMANTOWN—Continued.
	Apportionment of the members of the, throughout the different counties,... 395		Herdsmen to be employed by the in- habitants of the city of Philadelphia and the townships of Passyunk, Northern Liberties, and, 379
	GENERAL ISSUE.		Trespassing in the day time to be taken up and impounded,379-80
	Defendant may plead and give act and special matter in evidence in all suits under militia act, 90		To be detained until owner satisfies the damage done and pays for the costs of impounding and keeping, 380
	May be pleaded in prosecutions under act for the supply of the armies of the United States, 198		Where cattle have been entrusted to herdsmen owner to have his remedy against herdsmen, 380
	May be pleaded in actions under act regulating wagons in the public ser- vice, 387		Pounds already erected under former act to be used for purposes of this act, 380
	GENERAL LOAN OFFICE.		Poundkeepers to take charge of, de- livered to him under act, 380
	New trustees appointed, 162		Where township has no pounds owner of lands may erect pounds and ap- point pound-keepers, 380
	Bond of trustees, 163		Notices concerning impounded, to be given owners or publicly advertised, 380
	Oath of trustees, 163		Costs, charges of impounding, and keeping, with fines, etc., to be as- sessed and recovered as in prior act, 381
	Oath to be indorsed on bonds, 163		Duration of act, limited, 381
	Bonds to be delivered to recorder of deeds for Lancaster County, 163		
	Time and place fixed for the repay- ment of loans,163-4		GOLD. See Legal Tender.
	Trustees to have power to sue, for the recovery of loaned moneys, 164		GOVERNOR.
	Trustees not to loan any more money until further order from general assembly, 164		Parts of bonds forfeited to the, of the late provincial government to be paid into the state treasury, 33
	Salary of, trustees, 164		
	Vacancy to be filled by general as- sembly, 164		GRAIN. See Exports.
	Parts of prior act repealed,164-5		Upon information justices of the peace to issue warrant to three inhabitants to search the premises of persons who are believed to have more flour or, than necessary for family use,..373-4
	GERMANTOWN.		Where owner refuses to open barn, etc., inhabitants authorized to enter by force, 374
	Cattle, not to be suffered to run at large between sun set and sun rise within Passyunk, Moyamensing, Northern Liberties, and, 379		Inhabitants to carefully examine quantity of grain, or flour, etc., such persons are possessed of, 374
	Except between Keeler's Lane and military works erected by the British in Northern Liberties, 379		To appraise over-plus at current prices, 374
	Found running at large to be taken up and impounded, 379		
	Owners to pay overseers of the poor twenty shillings fine and also the cost of keeping and damages done by such, 379		
	Not to be turned out between sun rise and sun set except under the care of regular herdsmen, 379		

Page.	Page.
GRAIN—Continued.	GRAIN—Continued.
To make returns to justices of the quantity of flour, or, etc., that can be spared and the appraised price thereof, 374	But where price tendered does not amount to appraised price of grain or where it is adjudged the owner has not more flour or, than necessary for family use such charges to be paid by person obtaining warrant, 377
If owner refuse to sell at appraised price to families in need of same, justice to direct constable to seize necessary flour or, to support such family until August 1st, 1779, 374-5	GREEN HIDES.
Quantity and appraised value to be inserted in the warrant, 375	Price of, regulated, 236
Constable to deliver the grain or flour to the persons obtaining warrant upon their paying or tendering the appraised price to the owner, 375	Penalty for asking more for, than allowed by act, 238
If no application be made by citizens for grain within forty days after appraisement justice to issue warrant on application of quarter-master, etc., 375	H.
Justice not to issue warrant on application of quarter-master unless appraisers certify that there will still be enough grain left to support inhabitants of township until August 1st, 1779, 375	HABEAS CORPUS.
Where owner refuses to accept money tendered, persons receiving, etc., to deposit the same with the justice for the use of the owner, 375	Writs of, not to be issued to obstruct proceedings of executive council against British sympathizers in times of imminent danger, 140
Justice to give receipt for the same, .. 375	HALF JOHANNESSES. See Legal Tender.
Receipt to exonerate such persons from all demands of the owner, ... 376	HAWKERS.
Justice to pay the same to owner if he apply for it within two days after seizure of, 376	To be licensed, 59
After two months and two days justice to turn the same over to county treasurer, 376	Male white persons capable of bearing arms prohibited from hawking, 138
Disposition of penalty, 376	Part of prior act repealed, 138
Owner bona fide selling, etc., not liable to penalty, 376	HAY.
Where owners refuse to thresh, persons obtaining warrant to do so, ... 376-7	Price of, regulated, 237
Penalty for refusing to permit grain to be threshed, 377	Penalty for asking more for, than allowed by act, 238
Compensation of appraisers and constables, 377	HEMP.
Compensation of appraisers and constables, to be paid by owners out of appraised price of, 377	Price of, regulated, 236
	Penalty for asking more for, than allowed by act, 238
	HERDSMEN. See Cattle.
	HIGH TREASON. See Treason.
	HIGHWAYS.
	Act for opening and repairing, continued, 400-1
	Supervisors to levy taxes not exceeding 7s. 6d., 401
	Wages of supervisors, 401

	Page.
HIGHWAYS—Continued.	
Penalty for supervisor refusing to act, 401	
Disposition of,	401
Penalty for extortion from travelers	
by persons working on,	401
Penalty for connivance of supervisors	
at extortion from travelers,	401-2
Penalty for filling up drains or ditches	
cut or opened by supervisors,	402
Penalties, how recoverable,	402
Disposition of,	402
HIGHWAY SUPERVISORS. See Super- visors.	
HIGHWAY TAXES.	
Street commissioners in the city of Philadelphia empowered to levy ad- ditional, not exceeding 9d.,	399
Supervisors to levy, not exceeding 7s. 6d.,	401
HORSE RACING.	
Prohibited,	335
Penalty for violation,	335
Public house-keepers not to encour- age,	335
Penalty for violation,	335
Money won at, not recoverable,	336
Money paid on losses at, may be re- covered by loser by suit within three months,	336
Disposition of fines accruing under act,	337
Offenders to be prosecuted within three months after commission of offense,	337
Former acts, repealed,	338
HORSES. See Cattle.	
HOUSE-HOLDERS. See Military Taxes; Whiskey.	
To give an account to assessor of lodgers, etc.,	364
Penalty for neglect or refusal,	364
I.	
IMMORALITY.	
Act for suppression of vice and,	333
IMPARNANCE.	
More than one, not allowed,	286

	Page.
IMPRISONMENT.	
Certain insolvent debtors released from,	5, 12
Without bail of mainprise, contingent punishment for harboring deserters, 61	
Offending register or recorder to be committed without bail or mainprise until he deliver books, records, etc., to successor,	71
Travelling nonjurors to be committed upon refusal to take oath of allegi- ance,	113
Punishment for refusing to take oath of allegiance,	148, 240
Soldiers not to be imprisoned for debts unless plaintiffs make affidavit that the sum due is above fifty dollars, ..	174
Contingent punishment for violating act against forestalling and regrat- ing,	179
Penalty for refusal of late collector of duties on negro and mulatto slaves to deliver to new collector the bonds, etc., relating to the office,	276
Contingent punishment for working on Sunday,	333
Contingent punishment for blas- phemy, profanity, cursing, etc., ...	334
Contingent punishment for cock fight- ing, billet playing, horse racing, etc.,	335
Contingent punishment for challeng- ing to a duel, etc.,	336-7
Contingent punishment for erecting theatres, play houses, etc.,	337
Contingent punishment for exhibiting or encouraging stage plays, etc., ...	337
Single men refusing to pay military tax or give security to be commit- ted,	354
Persons refusing to pay military taxes or produce their goods to be com- mitted,	368
Penalty for forestalling and regrat- ing,	389
IMPRISONMENT FOR DEBT. See Im- prisonment; Insolvent Debtors.	
Dangerous disaffected persons to be committed without bail or main- prise,	441

	Page.		Page.
INDIAN CORN. See Exports.		JUDGES OF ELECTIONS. See Election Officers; Elections.	
Price of, regulated,	236	JUDGMENT.	
Penalty for asking more for, than allowed by act,	238	Plaintiff to be mulcted in double costs in suits under the act for the better supply of the Armies of the United States where he becomes nonsuit, suffers a discontinuance, or has, pass against him,	198
Exportation of, prohibited for a limited time,	273, 294	Entered by warrant of attorney, against traitors declared to be void,	350
Act not to prohibit ships taking on board necessary provisions,	273, 294		
Attempted to be exported to be seized and forfeited,	273, 295	JUNIATA RIVER.	
Disposition of forfeiture,	273, 295	Part boundary of Bedford county, ..	397
Supreme executive council empowered to revoke the embargo on,	273, 295		
		JURYMEN.	
INFORMATION.		To be fined for neglect or refusal to perform duties,	166
Certain penalties to be recovered by,	137, 377	Fees of, doubled,	229
		Fees of, increased,	321-2
INFORMER.		Fines and penalties on, for neglect of duty increased,	320-1
Of offense of forging, counterfeiting, raising or knowingly uttering counterfeit or raised bills of credit, reward of,	9-10, 101		
To receive one-half of fines imposed upon persons harboring deserters, ..	61	JUSTICES OF THE PEACE.	
To receive one-half of British goods attempted to be imported,	291	Appointed throughout the state,	13-15
To secure one-half of goods forfeited for violation of act preventing, forestalling or regrating,	179	Jurisdiction of,	15-16
To receive one-third of certain articles illegally attempted to be exported, ..	273	Proceedings to be governed by laws in force under the colonial government, ..	16
		Oath of,	16-17
INHABITANTS. See Allegiance.		To appoint jailers to take care of the jails,	17
		Duration of ordinance,	18
INSOLVENT DEBTORS. See Private Acts.		To require evil agitators against the freedom and independence of the states, to give security for good behavior,	20
Ordinance for the relief of,	5	Dangerous agitators to be imprisoned by three,	20
Colonel James Easton, released from imprisonment,	12	Proceedings,	20
		Aggrieved party to have appeal to council of safety,	20
INSPECTORS. See Election Officers; Elections.		To require fraudulent debtors to give security to their creditors,	21
		To commit upon default,	22
		Execution may issue from office of any, upon transcript of judgment from another justice,	32-3
		To have jurisdiction in cases to recover money forfeited by creditor refusing to accept legal tender where amount does not exceed five pounds, ..	39
J.			
JAILS.			
Prisoners in the several, in the state, with certain exceptions, set free, ..	5		
Jailers to be appointed by justices of the peace,	17		

	Page.
JUSTICES OF THE PEACE—Continued.	
Penalty for forging certificate of oath of allegiance,	114
To administer oaths to election officers,	121
Wounded soldiers, etc., to apply to, for relief,	143
Not to grant pensions until party entitled thereto produce a certificate from the commanding officer, etc.,	143
With the assistance of two free-holders to fix the amount to be allowed to wounded soldiers, etc.,	143
Pensions not to exceed half pay of wounded officer or soldier at the time of injury,	143
To indorse on certificate the amount allowed,	143
To give pensioner an order on county treasurer,	143
Fees of,	145
To be paid at the charge of the United States,	145
To commit persons refusing to take oath of allegiance and give necessary security,	148
To discharge soldiers arrested for small debts,	174
To commit officers wrongfully enlisting soldiers for other states,	174-5
Persons aggrieved by judgment of commissioners under act for preventing forestalling, regrating, or engrossing to have appeal to,	180
To grant warrant for the impression of wagons, where owners refuse to furnish same to wagon-masters, ...	182
Compensation of,	183
Master or mistress to be compensated for enlisted servant or apprentice, ..	216
Amount of compensation to be determined by justice and two free-holders,	216
Justice and free-holders to draw upon county treasurer,	216
Treasurer to pay the same out of state taxes,	216

	Page.
JUSTICES OF THE PEACE—Continued.	
Justices and freeholders not to allow more than twelve pounds per year for servants or more than 8 pounds per year for apprentices,	217
Master not entitled to compensation unless he takes oath of allegiance, ..	217
Fees of the, doubled,	229
Fees of, increased,	321-2
May summon those who neglect to take oath of allegiance,	240
To commit or fine those who persist in refusing to take oath,	240
Acknowledgments and probates of deeds made and taken by and before, appointed by the convention of 1776 declared to be valid,	263
All such deeds to be recorded within nine months,	263-4
In case of vacancy nearest justice to appoint time and place for electing a new one,	266
Where freeholders neglect or refuse to elect, the president, etc., in council to fill vacancy by appointment, ...	267
To issue warrant directing sheriff or other peace officers to apprehend offenders against act prohibiting for a limited time the making of whiskey, etc.,	299
To bind offenders over for the quarter sessions,	299
Empowered to administer all oaths of allegiance,	348
Upon information to issue warrant to three inhabitants to search the premises of persons who are believed to have more grain or flour than necessary for family use,	373-4
Where owner refuses to open barn, etc., inhabitants authorized to enter by force,	374
Inhabitants to carefully examine quantity of grain or flour, etc., such persons are possessed of,	374
To appraise over-plus at current prices,	374
To make return to justices of the quantity that can be spared and the appraised price thereof,	374

	Page.
JUSTICES OF THE PEACE—Continued.	
If owner refuse to sell at appraised price to families in need of same, justice to direct constable to seize necessary grain or flour to support such family until August 1, 1779, ..	374-5
Quantity and appraised value to be inserted in the warrant,	375
Constable to deliver the grain or flour to the persons obtaining warrant upon their paying or tendering the appraised price to the owner,	375
If no application be made by citizens for grain within forty days after appraisement, justice to issue warrant on application of quarter-master, etc.,	375
Justice not to issue warrant, on application of quarter-master unless appraisers certify that there will still be enough grain left to support inhabitants of township until August 1, 1779,	375
Where owner refuses to accept money tendered, persons receiving grain, etc., to deposit the same with the justice for the use of the owner, ..	375
Justice to give receipt for the same, ..	375
Receipt to exonerate such persons from all demands of the owner, ...	376
Justice to pay the same to owner if he apply for it within two days after seizure of grain,	376
After two months and two days justice to turn the same over to county treasurer,	376
Penalty for concealing or refusing to deliver grain, etc., within 60 days of appraisement,	376
Disposition of penalty,	376
Owner bona fide selling grain, etc., not liable to penalty,	376
Where owners refuse to thresh grain persons obtaining warrant to do so, ..	376-7
Penalty for refusing to permit grain to be threshed,	377
Compensation of appraisers and constables,	377
Compensation of appraisers and constables, to be paid by owners out of appraised price of grain,	377

	Page.
JUSTICES OF THE PEACE—Continued.	
But where price tendered does not amount to appraised price of grain or where it is adjudged the owner has no more grain or flour than necessary for family use, such charges to be paid by person obtaining warrant,	377
Three to appoint the assize, weight of and prices of bread,	390
To grant permits to tavern-keepers, house-keepers, etc., to distill whiskey from barley, etc.,	415
To keep a list of the persons obtaining permits,	416
To return list to clerk of the peace, ..	416
Not to grant permit for larger sums than allowed by act,	416
Or to tavern-keeper until he produce his license,	416
Penalty for violation,	416
To have jurisdiction in actions of debt up to 50 pounds,	435

K.

KEEN, REYNOLD.

Attainder act repealed, so far as it relates to,	296
Repeal only to extend to the person of	296
To surrender himself for trial on or before December 1, 1778,	296-7
All proceedings against the estates of, declared void,	408
His estate vested in him,	408
To be debarred from recovering any part of estate sold prior to November 28th, 1778,	408
Estate to be liable for costs and charges incurred by commissioners of forfeited estates,	408-9

L.

LABORERS.

Wages of, doubled,	237
--------------------------	-----

LANCASTER, BOROUGH OF.

To elect burgesses, constables, etc., ..	44
Burgesses to also act as justices of the peace,	44

	Page.		Page.
LANCASTER, BOROUGH OF—Continued.		LEGACIES.	
Corporation of the burgesses and inhabitants of the, re-established, ..	128	Act for the more easy recovery of, made perpetual,	436
President, etc., to appoint burgesses, councilmen, high constable, town clerk and clerk of the market,	129		
Borough officers to take oath of allegiance,	129		
Rights, etc., existing under provincial government restored,	129	LEGAL TENDER. See Bills of Credit.	
All former estates and contracts to remain good and valid,	130	Bills of credit issued by the Continental Congress or under the late laws or by the resolves of Assembly declared to be,	10
All undetermined actions revived, ..	130	Bills of credit emitted by congress to be legal tender at the rate of 7 shillings and 6 pence per dollar,	34
Common seal of the, to be destroyed, ..	130	Bills of credit emitted by resolves and on loan by act February 26, 1773, declared to be,	35
New seal to be made,	130	Person refusing to accept money tendered barred from suing for the same, ..	35
		Unless he make demand before two witnesses within four days after tender,	35
LANCASTER COUNTY. See Elections; Justices of the Peace.		Upon failure to make demand within four days after tender, debt, etc., to be forfeited,	35
Places of holding elections in,	117	Two-thirds to be paid to the county treasurer and one-third to be kept by the party tendering,	35-6
Crimes committed in the counties of Bucks, Chester, and Philadelphia to be tried at,	221	Sterling debts to be paid at the rate of 155 per cent.,	36
Expenses of trial, etc., to be paid by the county wherein the crimes were committed,	221	Half-johanneses to be paid at the rate of \$8 or three pound in bills of credit and other gold in like proportion,	36
		Debtor making tender to notify county commissioners within six days of refusal of creditor to accept,	37
LANDLORD AND TENANT.		Penalty for neglect,	37
Tenant to pay all public taxes on leased premises where rent is payable in current money,	448	County commissioners to keep account of all moneys forfeited by act,	37
		Accounts to be settled by committee of assembly,	37
LAND TITLES. See Forfeited Estates.		To pay reward to person first giving information where debtor fails to give notice of refusal to accept,	37
Estates held under aliens not naturalized made valid,	258	Commissioners to sue for two-thirds of any forfeited debt,	37
All proceedings against the estates of Reynold Keen declared to be void, ..	408	Debtor tendering may sue creditor for bond, etc.,	38
Except as to such parts of his land as were sold prior to November 28th, 1778,	408	Also his title deeds,	38
Estate of Nathaniel Vernon, traitor vested in his four sons,	409-10	Penalty for assigning any debt after tender,	38-9
Estates of, Thomas Beans, confirmed,	417-18		
Estates of John Sommers, confirmed and established,	419-20		
LEATHER.			
Price of, regulated,	236		
Penalty for asking more for, than allowed by act,	238		

Page.	Page.
LEGAL TENDER—Continued.	LIQUOR LICENSES—Continued.
Persons not to refuse to take bills of credit in payment for goods, etc., or offer to sell goods, etc., for less in gold or silver, 39	License fees, how recoverable, 57
Penalty for violation, 39	No person to set up tavern keeping, etc., without getting a license, 58
Penalty how recoverable, 39	Penalty for tavern keeping without a license, 58
Application of penalty, 40	Compensation of secretary of the council for writing license, 58
Certain bills of credit declared to be, 100	Clerks of the respective county courts to pay all license fees received into the state treasury, 58
Bills of credit emitted prior to July 1, 1779 not to be, after October 1, 1779, except for taxes, 103	President and vice president to grant licenses in all cases where governors had previously done so,58-9
Bills of credit emitted in compliance with certain acts to be, to bodies politic, etc., 110	
Certain bills of credit declared to be, 157	LITTLE JUNIATA.
Bills of credit emitted under the authority of Great Britian prior to April 19th, 1775 not to be, 225	Part boundary of Bedford County, ... 397
Acts making such bills, declared void, 226	
LEGISLATURE. See Assemblymen; General Assembly.	LIVE STOCK.
LICENSES. See Liquor Licenses.	Exportation of, prohibited for a limited time,273, 294
LIEUTENANTS. See Militia.	Act not to prohibit ships taking on board necessary provisions,273, 294
LIMITATION OF ACTIONS.	Attempted to be exported to be seized and forfeited,273, 295
Prosecutions under general election act to be commenced within three months, 123	Disposition of forfeiture,273, 295
Persons guilty of working on Sunday to be prosecuted within ten days after commission of offense, 334	Supreme executive council empowered to revoke embargo on,273, 295
Persons guilty of blasphemy, profanity, cursing, etc., to be prosecuted within ten days after commission of offense, 334	
Persons guilty of encouraging cock fighting, bullet playing, horse racing, etc., to be prosecuted within three months after commission of offense, 337	M.
Persons guilty of sending dueling challenges, etc., to be prosecuted within three months, 337	MAINPRISE. See Bail.
Persons guilty of exhibiting or encouraging stage plays to be prosecuted within three months, 337	MALT. See Exports; Whiskey.
LIQUOR LICENSES.	MARES. See Cattle.
Tavern keepers, etc., to pay usual license fee as formerly, 57	MASTER AND SERVANT.
	Master or mistress to be compensated for enlisted apprentices or, 216
	Amount of compensation to be determined by justice and two free-holders, 216
	Justice and free-holders to draw up on county treasurer, 216
	Treasurer to pay the same out of state taxes, 216
	Justice and free-holders not to allow more than twelve pounds per year for servants or more than eight pounds per year for apprentices, ... 217
	Master not entitled to compensation unless he takes oath of allegiance,.. 217

	Page.		Page.
MASTER OF THE ROLLS.		MILITARY TAXES—Continued.	
Fees of, trebled,	230	Exceptions not to prevent the levying	
Fees of, increased,	322	and collecting, set on non- asso-	
MAYOR.		ciators,	27
Certain powers of recorder, aldermen		Estates of persons not serving in	
and, of Philadelphia vested in three		militia to be doubly taxed,	167
justices of the peace,	65-6	County lieutenants to furnish respec-	
MAYOR'S COURT. See City Court.		tive county commissioners and as-	
MEAL. See Exports.		sessor's lists of the members of the	
MEMBERS OF THE ASSEMBLY. See		militia,	167
Assemlbymen; General Assembly.		Penalty for neglect or refusal,	167
MERCHANDISE.		Commissioners to levy,	168
Price of all goods, wares and, regu-		Taxes when collected to be paid to	
lated,	237	county treasurer and paid over to	
Penalty for asking more for, than al-		the State,	168
lowed by act,	238	Certain persons exempted from addi-	
MILEAGE.		tional,	168-9
Of assemblymen,	170	Six hundred and twenty thousand	
Of judges of elections,	224	dollars to be raised by, for the use	
MILITARY TAXES.		of the United States,	230-1
Non-associators between the ages of		Quotas of the different counties,	231-2
16 and 50 years fined 20 shillings per		Quotas named in act not to be held	
month, those over 21 years of age		as the exact proportions, but the	
taxed additionally 4 shillings in the		same to be finally adjusted and as-	
pound on the annual value of the es-		certained by the legislature,	232
tate,	23	County commissioners and assessors	
Thus raised to be used for the relief		to fix the quota of each township, ..	232
and support of poor associators'		County commissioners to appoint two	
families,	23	freeholders, who with the township	
Commissioners appointed to collect, ..	24-5	assessors shall assess the township, 232	
To be collected by commissioners in		Tax on a single man,	232-3
same manner as fines and assess-		Penalty for nonfeasance or misfeas-	
ments under former laws,	26	ance of commissioners and assessors, 233	
Commissioners to have power to re-		Penalty for nonfeasance or misfeas-	
mit fine in case of poverty, sick-		ance of collectors,	233
ness, etc., of non-associator,	27	Fees of county treasurers,	233-4
All persons above the age of 50 years		Fees of state treasurer,	234
taxed 4 shillings in the pound on		State and county treasurers, com-	
annual value of their estates,	27	missioners, assessors, etc., to have	
Persons having unmarried associat-		same powers as under prior similar	
ors' sons residing with them except-		act,	234
ed,	27	Taxes collected to be paid by county	
Able bodied men voluntarily entering		treasurer to state treasurer and	
the association also excepted,	22	then to the continental treasurer, ..	234
		Manner of levying and raising, in	
		Philadelphia during possession	
		thereof by the enemy,	234-5
		Assessed under prior act to be paid	
		into treasury within three months, ..	310
		State treasurer to hold money so re-	
		ceived subject to order of general	
		assembly,	310

	Page.
MILITARY TAXES—Continued.	
Former act continued,	310
\$4,000,000.00 to be raised by, for furnishing supplies for 1779,	360
The several quotas of the different counties,	360-1
County commissioners and assessors to appoint assistant assessors,	361
Assistant and township assessors to take account of, and value all rateable property,	361
To make return thereof together with an alphabetical list of the names of all persons residing within the district,	361-2
Returns to be made to county commissioners,	362
Unimproved lands not returned liable to pay all such taxes in the next assessment,	362
County commissioners, etc., upon receiving returns to assess quota of each township,	362-3
Penalty for concealing in return any taxable property,	363
Sums raised in the different counties not to be deemed as their exact proportions,	363
Exact proportions to be finally ascertained by the legislature according to the aforesaid returns,	363
All single men to be returned by assessors and taxed not more than 15£ nor less than 3£,	363-4
Exceptions	364
Assessor authorized to demand security of single freemen,	364
Single freemen refusing to pay tax or give security to be committed,	364
House-holders to give an account to assessor of lodgers, etc.,	364
Penalty for neglect or refusal,	364
Penalty for attempting to escape tax by removal or concealment of personal property,	364-5
Commissioners, assessors, and collectors exempted from military duties, ..	365
Commissioners assessors, etc., to fill all vacancies among them by appointment,	365
Oath of county commissioners,	365

	Page.
MILITARY TAXES—Continued.	
Oath of assessors and assistant assessors,	366
Assessors to appoint collectors of, ..	366
Aggrieved persons to have appeal from assessments to county commissioners,	366
Proceedings upon appeal,	366-7
Collectors to account and pay over to county treasurer all moneys received once in every six weeks,	367
To pay all sums assessed within three months after the days allowed for appeal,	367
Treasurers to give receipts to collectors,	367
County treasurer to notify commissioners of all negligent collectors, ..	367
Upon neglect or refusal to pay tax, commissioners to issue special warrants to collectors, to distrain upon offenders goods,	367-8
Offenders neglecting to produce goods or pay their taxes to be committed ..	368
Where goods cannot be found to pay all sums in arrear distress to be made of the goods found and the offender imprisoned only for the residue,	368
On complaint of county treasurer, commissioners to fine defaulting collectors,	368
Collectors to be first given ten days notice of complaint,	369
Commissioners to issue warrant to sheriff to seize the bodies and estates of defaulting collectors,	369
All such estates to be sold to make up deficiencies,	369
Deeds therefor to be executed by sheriff or coroner to purchaser in fee simple,	370
Real estates of persons refusing to pay tax to be sold after three months advertising,	370
Overplus to be returned to owners, ..	370
Sheriff or coroner to execute a deed in fee simple to purchasers,	370
Penalty for neglect or refusal of commissioners or assessors to act,	371

	Page.
MILITARY TAXES—Continued.	
Compensation of state and county treasurers,	371
The several county treasurers to pay over moneys received to state treasurer,	372
Returns of property to be laid before the assembly,	372
Penalty for violation,	372
Compensation of commissioners, assessors and collectors,	372
Commissioners authorized to employ clerk,	372
\$5,700,000.00 to be raised by, for 1779, ..	443
Quota of the different counties,	443-4
County commissioners and assessors to require district assessors to return lists of all taxable inhabitants,	444
And also of their estates,	444
Oath of taxables,	444-5
Penalty for neglect or refusal to take oath,	445
Penalty for neglect or refusal to make returns,	445
County commissioners to appoint township assessors in case of vacancy,	445
County commissioners and assessors to quota the different townships after receiving returns from township assessors,	446
To furnish respective township assessors with transcript of quota,	446
Township assessor to levy and collect quota from persons made taxable by act,	446
Taxable articles,	446
Taxable articles to be valued at bona fide selling price,	447
Rates to be sufficient to make up quota,	447
Tax on single men,	447
Ready money to be taxed 3d. to the £, ..	447
Such taxes not to be included in the several quotas but to be a separate fund for supplying deficiencies,	447
Compensation of state treasurer,	447
Compensation of county treasurers, ..	447
Compensation of freeholders,	447
Compensation of county commissioners and assessors,	448

	Page.
MILITARY TAXES—Continued.	
Compensation of township assessors,	448
Compensation of collectors,	448
Where rent is payable in current money tenant to pay all public taxes on leased premises,	448
Former act continued,	448
MILITIA. See Soldiers.	
Act regulating the,	75
President to commissionate one freeholder in Philadelphia and one in each county to serve as lieutenant of,	76
Also five sub lieutenants, etc.,	76
Lieutenants to direct constables to return to them the names of all male persons between the ages of 18 and 53,	76-7
Lieutenants, etc., to divide the cities and counties into districts,	77
Size of district,	77
Districts to be sub-divided,	77
Act not to include artillery companies, etc., already formed,	77
Nor to prevent lieutenants from forming other artillery companies,	77
Lieutenants to give notice of division of districts,	77
Inhabitants of divisions to meet and elect by ballot three field officers, ..	77
Qualifications of,	77
Field officers to consist of colonel, lieutenant colonel and major,	77
Inhabitants of sub-divisions to elect one captain, two lieutenants, one ensign and two court martial men, ..	77-8
Qualifications of,	78
Captains to appoint clerk,	78
Lieutenant, etc., to superintendent battalion elections,	78
And cause elected colonels to cast lots for rank of their battalions,	78
Rank of officers in battalions to be determined by the lot drawn by their respective colonels,	78
Captains to cast lots for rank in battalion,	78
Rank of sub-altern officers to be determined thereby,	78

	Page.		Page.
MILITIA—Continued.		MILITIA—Continued.	
Evidence necessary to entitle one to pension,	88	Disorders and neglects of officers or privates to be taken cognizance of, by a general or regimental court martial,	91-2
Families of militia men killed in service provided for,	89	Make up of general court martial, ..	92
Sum granted not to exceed half pay of persons killed,	89	Make up of regimental court martial, ..	92
Penalty for misfeasance and non-feasance of officers and constables,	89-90	Convictions to be had on two-thirds vote,	92
All suits to be brought in county where action arises,	90	Witnesses to be examined on oath by president of court martial,	92
Defendant may plead general issue and give act and special matter in evidence,	90	Oath of members of court martial, ..	92
Plaintiff to be mulcted in treble costs in case of discontinuance, nonsuit or adverse verdict,	90	By whom administered,	92
Rules and regulations,	90-4	Members of the, called as witnesses and refusing to give evidence to be fined or censured,	92
Members of the, not to curse when on duty,	90	Officer or private charged with transgressing rules to be relieved until trial,	92
Penalty for violation,	90	Punishment by court martial to be limited to degrading, cashiering or fining,	93
Members of the, to obey superior officer,	90	Companies of the, not to meet at taverns,	93
Penalty for violation,	90	Militia in exercising not to be kept under arms more than six hours per day,	93
Members of the, not to promote, etc., mutiny,	90	Pay of adjutants, drummers, and fifers,	93
Penalty for violation,	90	County lieutenant to have power to pardon all persons court martialed, ..	93
Members of the, not to strike superior officer,	90-1	Officer or private to have appeal from regimental court martial to general court martial,	93
Penalty for violation,	91	Filling of vacancy caused by death, resignation, etc., of officer,	94
Officer not to strike inferior,	91	Officer or private not to be tried twice for the same offense,	94
Penalty for violation,	91	Collection of fines under act,	94
Members of the, not to use insolent or indecent language,	91	To be collected by distress,	94
Penalty for violation,	91	Application of,	94
Officer or private injured by commanding officer to complain to lieutenant of the county,	91	County commissioners to meet within thirty days and ascertain what proceedings have been had in pursuance of the militia act and resolves,	125
Lieutenant to summon a court martial,	91	Commissioners to appoint persons to make returns, in places where, act has not been complied with,	125
Inferior officer or private injured by captain, etc., to complain to commanding officer,	91	Commanding officers to make lists and returns,	126
Commanding officer to summon regimental court martial,	91	Field officers no longer required to be free-holders,	132
Officer or private found drunk under arms to be suspended and fined, ..	91		
Sentinel found sleeping or drunk on post or absent from it to be fined, ..	91		
Commissioned officer convicted of behavior unbecoming an officer to be cashiered,	91		

	Page.
MILITIA—Continued.	
Commanding officer of every battalion which failed to exercise, to exercise it and make up for lost days,	132
Persons so meeting and exercising to be acquitted of fines already incurred,	132
Substitutes away in actual service not to be fined as absentees,	132
Captains in the several districts to muster all persons not already entered,	132
Penalty for refusing to bring arms, etc., to place of parade on days of exercise,	132-3
Officers not re-elected to deliver up arms, colors, etc.,	133
Penalty for neglect or refusal,	133
Field officers to appoint surgeon, surgeon's mate and chaplain in each battalion,	133
Lieutenants to procure carriages when necessary,	133
Officers of each company to appoint an almoner,	133
Duties of almoner,	133
Officers to certify appointment to county lieutenant,	133
Certificate to enable almoner to draw on lieutenants for sums necessary to perform duties,	134
Lieutenants to lay accounts before committee of assembly once in every six months,	134
Penalty for inferior striking superior or superior striking inferior,	134
Militia in Continental service to be subject to the same rules and regulations as the continental troops, ..	134
Offences however, except high treason to be tried by militia court martial, ..	134
President to have power of pardoning, etc., in all cases except high treason, ..	135
Militia of the Northern Liberties, Southwark, Moyamensing, and Passyunk united to Philadelphia City,	135
County lieutenants to employ clerks and also lay their accounts before a committee of assembly,	135
Post-masters, post-riders, etc., exempted from militia duties,	135

	Page.
MILITIA—Continued.	
Lieutenant of Philadelphia to raise six companies and form them into an artillery battalion,	135-6
Rank of officers thereof to be determined by lot,	136
Part of prior act repealed,	136
Lieutenants of Bedford and Westmoreland counties upon application of commissioners appointed by congress to raise troops for protection of western frontiers of the State,...	160
To be paid and provided as continental troops,	160
Not to be called upon again after two months service until militia of other counties have performed similar service,	160
Commissioners authorized to seize and arrest all persons concerned in any plot or conspiracy against the United States,	161
Duration of act limited,	161
Estates of persons not serving in, to be doubly taxed,	167
Lists of members of the, to be furnished by lieutenants to respective county commissioners and assessors, ..	167
Penalty for lieutenants neglect or refusal,	167
Commissioners to levy the said additional taxes,	168
Taxes to be paid to county treasurer and turned over to the State,	168
Persons exempted from paying additional tax,	168-9
Persons having procured recruits also exempted,	169
President and council in cases of necessity, to call, into actual service, ..	185
Not more than four classes to be called out at one time,	185
Classes to be called out in rotation, ..	185
Preliminary steps in calling out the, ..	186
Members of the, to turn out in person, or furnish substitute out of his own family,	186
Penalty for neglect or refusal,	186
If substitute be called party securing substitute to take his place,	186
Penalty for neglect or refusal,	186

	Page.
MILITIA—Continued.	
Sons, apprentices, or servants, may substitute for their fathers or masters,	186
All appeals to be settled by lieutenant and two free-holders,	187
Fines to be recovered from delinquents by distress,	187
For want of distress delinquent to be committed,	187
Oath of lieutenant, justice and free-holder,	188
Compensation of justice and free-holder,	188
Penalty for militia man withdrawing from company to which he belongs,	188
Removing militia men to obtain discharge from commanding officer and produce the same to commanding officer where he settles,	188
To be enrolled there in class specified in certificate,	188
Members of the general assembly exempted from duties,	189
Parts of former act repealed,	189
Persons apprehending deserters to be exempted from two months actual service in the militia,	218
Lieutenants, etc., to pay over all fines, imposed upon persons neglecting to perform militia duties to state treasurer,	353
Lieutenants, etc., to account to commissioners appointed to audit their accounts,	353
Penalty for refusal to produce accounts, etc.,	354
Method of keeping accounts prescribed,	354
Compensation of lieutenants,	356
Penalty for failing to perform militia duties increased,	381-2
Captain to make return of absentees to the commanding officer,	382
Penalty for neglect or refusal to make return,	382
Commanding officer to make return to lieutenant, etc.,	382
Penalty for failure to make return,	382
Lieutenant to appoint days of appeal,	382

	Page.
MILITIA—Continued.	
In case of invasion supreme executive council, empowered to call into service any company of the,	383
Compensation of militia men increased,	383
Increased pay to be made out of fines levied upon delinquents,	383
Compensation of lieutenants, etc., ..	383
Parts of former act repealed,	383-4
Penalty for refusing to perform militia duties,	442
Compensation of lieutenant,	442
Compensation of persons who sit in courts of appeal, from fines imposed by lieutenant,	442
MILITIAMEN.	
Exempted from additional military taxes,	168
MILITARY DUTIES.	
County commissioners, assessors and collectors of military taxes, exempted from,	365
MILLERS. See Flour.	
MINISTERS OF THE GOSPEL.	
Exempted from additional military tax,	168
MISPRISON OF TREASON.	
Defined,	19, 46-7
Punishment for,	19, 47
Offense to be cognizable before justice of the peace where committed or where offender can be found,	47
Justice to require offender to enter bail for appearance at next quarter sessions,	47
To commit upon default,	47
MOSHANNON CREEK.	
Part boundary of Bedford County, ...	397
MOYAMENSING, TOWNSHIP OF. See Elections; Justices of the Peace.	
Militia of Northern Liberties, Southwark, Passyunk and the, united to Philadelphia city,	135
Cattle, etc., not to be suffered to run at large between sun set and sun rise within, Passyunk, Northern Liberties, Germantown, and,	379

Page.	Page.
NON-ASSOCIATORS.	NON-ASSOCIATORS—Continued.
Arms of, to be collected in every district by colonel of battalion,	County commissioners to appoint persons to make returns of all males between the ages of 16 and 50,
11	50
To be given receipts and paid for the same,	Exceptions,
11	50
Said arms to be repaired and used in the service,	Penalty on persons refusing to serve,
11	50
Value thereof to be appraised by three freeholders,	In such case to appoint other to fill vacancy,
11	50
Where owners neglect to apply for the amount awarded within six months the same to be used in payment for repairs,	Oaths of persons appointed to make returns,
11	50-1
Colonels authorized to draw on the council of safety for sums required to carry out the act,	Disputes concerning the ages of, to be settled by county commissioners,
11-12	51
Associators to be armed with said arms,	Captains, etc., to make lists of associators and return them to the colonel who shall return duplicates to the county commissioners,
12	51
Associators to be answerable for the safe keeping of the same,	Clerks of county commissioners to make out lists of names returned in the duplicates,
12	51-2
Seized arms not worth repairing to be laid by and returned to owner at proper time,	County commissioners to fine, 3£ 10s.,
12	52
Between the ages of sixteen and fifty years fined 20 shillings per month, ..	County commissioners to fine associators, 3s. 6 d. for every passed parade day before signing,
23	52
Over 21 years of age taxed additionally 4 shillings in the pound on the annual value of his estate,	County commissioners and assessors to appoint persons to collect aforesaid fines,
23	52
Money thus raised to be used for the relief and support of poor associator's families,	Powers of collectors,
23	52
Commissioners appointed to collect aforesaid fines and assessments, ..	Penalty for collectors refusing to do their duty,
24-25	52
Fines and assessments to be collected by commissioners in same manner as under former laws,	Master or mistress detaining apprentice from associating to pay his fines,
26	53
Commissioners to have power to remit fine in case of poverty, sickness, etc., of,	Apprentice refusing to associate to be fined,
27	53
All persons above the age of fifty years taxed four shillings in the pound on annual value of their estates,	Penalty for county commissioners and assessors refusing to act,
27	53
Persons having unmarried sons, associators, residing with them excepted,	How recoverable,
27	53
Able bodied men voluntarily entering the association also excepted,	Filling of vacancy caused thereby, ..
27	53
Exceptions not to prevent the levying and collecting the fines and assessments set on,	Associators defined,
27	53-4
	Aggrieved by assessment to have appeal to county commissioners, ...
	54
	Duties of the county commissioners after hearing the appeal,
	54
	Fines collected under act to be paid to county treasurer, and subsequently turned over to the state treasurer, ..
	55
	Application of,
	55
	Compensation of county commissioners and assessors,
	55

	Page.		Page.
NONJURORS.		NORTHERN LIBERTIES—Continued.	
Incapacities and penalties imposed upon,	112-113	Militia of Southwark, Moyamensing, Passyunk and the, united to Philadelphia city,	135
Traveling, to be committed upon refusal to take oath of allegiance,	113	Cattle, etc., not to be suffered to run at large between sun set and sun rise within Moyamensing, Passyunk, Germantown, and,	379
Traveling, to be committed upon refusal to take oath of allegiance and give security,	148	Except between Keeler's Lane and Military works erected by the British in the,	379
Refusing to take oath and give security to be committed,	148	Found running at large to be taken up and impounded,	379
Not to be taken as security for suspected persons,	148-9	Owners to pay overseers of the poor twenty shillings fine and also the cost of keeping and damages done by such,	379
Not relieved from paying assessed double taxes,	305	Herdsmen to be employed by the inhabitants of the city of Philadelphia and the townships of Moyamensing, Passyunk, Germantown, and,	371
NON OBSTANTE CLAUSE.		Trespassing in the day-time to be taken up and impounded,	379-80
Use of,	84, 120, 221, 258	To be detained until owner satisfies the damage done and pays for the costs of impounding and keeping, ..	380
NONSUIT.		Where cattle have been entrusted to regular herdsmen owner to have his remedy against herdsmen,	380
Plaintiffs to be mulcted in treble costs in case of discontinuance, adverse verdict or, in suits under militia act,	90	Pounds already erected under former act to be used for purposes of this act,	380
Plaintiff to be mulcted in double costs in suits under the act for the better supply of the Armies of the United States where he becomes, suffers a discontinuance or has judgment pass against him,	198	Pound-keeper to take charge of cattle delivered to him under act, ..	380
Defendant to have treble costs in certain suits if plaintiff become, suffer discontinuance, or verdict pass against him,	387	Where township has no pounds, owner of lands may erect pounds and appoint pound-keepers,	380
NORTHAMPTON COUNTY. See Elections; Justices of the Peace.		Notices concerning impounded to be given owners or publicly advertised, ..	380
Places of holding elections in,	117	Costs, charges of impounding, and keeping, with fines, etc., to be assessed and recovered as in former acts,	380
Commissioners and assessors to remit or mitigate taxes on those who have been disabled, etc., or driven off by the enemy,	325	NORTHUMBERLAND COUNTY.	
Commissioners and assessors to return lists to general assembly of the names of persons exonerated,	326	Overseers of the poor of Cumberland, Bedford, Westmoreland and, to appoint a place and to give notice of the election of justices of the peace, ..	43-4
Deficiencies to be paid out of state taxes,	326	Places of holding elections in,	119
Parts of former acts repealed,	326		
Entitled to five members in the general assembly,	395		
NORTHERN LIBERTIES. See Elections; Justices of the Peace.			

	Page.		Page.
NORTHUMBERLAND COUNTY—Continued.		OATHS—Continued.	
Commissioners and assessors to remit or mitigate taxes on those who have been disabled, etc., or driven off by the enemy,	326	Of inspectors of elections,	121
Commissioners and assessors to return lists to general assembly of the names of persons exonerated,	326	Of electors,	122
Deficiencies to be paid out of state taxes,	326	Of trustees of the general loan office, ..	163
Parts of former acts repealed,	326	Required of, lieutenant, justice, and free-holder before sitting to hear appeals under military act,	183
Entitled to three members in the general assembly,	395	Of army-commissioners,	194
		Of receiver-general,	194
NOTICE.		Masters not to receive compensation for enlisted servants or apprentices until he takes the, of allegiance, ..	217
Public, to be given of the time and place of selling forfeited estates of traitors by advertisements in the newspapers,	210	Of commissioners appointed to enforce acts for the prevention of forestalling, etc.,	246
		Of the register of the court of admiralty,	280
O.		Of marshall of the court of admiralty,	290
OATHS. See Affirmation; Allegiance.		Of master of vessels to naval officer, ..	290
Of justices of the peace appointed by ordinance,	17	Justices of the peace empowered to administer, all, of allegiance,	343
Administered by members of the council of safety,	17	Of county commissioners,	365
Of inspectors of elections,	43	Of county assessors,	366
Of judges of elections,	43	Of commissioners appointed to settle accounts of certain public officers, ..	357
Overseers of the poor of Cumberland, Bedford, Northumberland and Westmoreland to appoint a place and to give notice of the elections of justices of the peace,	43-4	Of whiskey distiller,	415
Of county commissioner and assessors,	48		
Of recorder of deeds and register of wills,	69	ONUS PROBANDI.	
Where recorder of deeds or register of wills fail to take oath of office within certain time, another to be appointed in his stead,	71	To be upon the plaintiff in suits under act for the better supply of the Armies of the United States,	190
Of signers of bills of credit,	99		
Inhabitants to take oath of allegiance, ..	111	ORDINANCES.	
Form of,	111-112	For the relief of the prisoners in the several jails,	5
Penalty for neglect or refusal to take, of allegiance,	112-113	Duration of certain, limited,	19, 21
Travelling nonjurors to be committed upon refusal to take, of allegiance, ..	113	Respecting the arms of non-associators,	11
Of judges of elections,	121	For the release of Colonel James Easton,	12
		Compelling fraudulent debtors to give security to the creditors,	21
		Rendering the burden of associators and non-associators in the defense of the state as nearly equal as possible,	22

	Page.		Page.
PASSYUNK, TOWNSHIP OF—Continued.		PENSIONS—Continued.	
Notices concerning impounded to be given owners or publicly advertised,	380	Recorder to give payee named in certificate a copy thereof,	144
Costs, charges of impounding, and keeping, with fines, etc., to be assessed and recovered as in prior act,	381	Proviso where any prize has been taken,	144
Duration of act limited,	381	To be paid to wounded soldiers, etc., monthly,	144
PEDDLERS.		County treasurer to receive certificates from recorder and use them as vouchers in settling his accounts with committee of assembly,	144
To be licensed,	59	Treasurer to transmit a regular report to secretary of congress or board of war,	144
Male white persons capable of bearing arms prohibited from peddling,	138	Wounded soldiers able to perform duties to forfeit pensions upon refusal to do so,	144
Part of prior act repealed,	138	Not to be assigned except on certain conditions,	144-5
PENALTIES.		Persons purchasing, to forfeit sum contracted for,	145
For sheriff, coroner, inspector or judges of election opening ballots before the closing of the polls,	115	Fees of justice, free-holders, and recorder,	145
For nonfeasance or misfeasance of election officers,	123	To be paid at the charge of the United States,	145
How recoverable,	123		
Application of,	123	PETTY CHAPMEN.	
For buying or offering to buy or sell the necessaries of life with or for hard money,	389	Required to be licensed,	59
PENSIONS.		PETTY SESSIONS.	
Of maimed militia men,	88	Courts of, to be held within the commonwealth at the same times and places as formerly under the colonial government,	31
Evidence necessary to entitle one to receive,	88	All officers of, to exercise the same powers as formerly,	31-2
Families of militia men killed in service provided for,	89	PHILADELPHIA, CITY OF. See Elections; Justices of the Peace.	
Sum granted not to exceed half pay of person killed,	89	Elections in, to be held at the state house,	116
Wounded soldiers, etc., to apply to justices of the peace,	143	Holding elections in, when in possession of the British,	147
To produce a certificate from commanding officer, etc., before being entitled to receive payment of any,	143	Certain sheriffs indemnified for removing prisoners from the new gaol and imprisoning them in old gaol in,	256-7
Justice and two free-holders to fix the amounts of,	143	Sheriffs in, authorized to keep prisoners in the old gaol,	257
Amounts of not to exceed half pay of wounded officer or soldier at the time of his injury,	143	Commissioners appointed for the, under act preventing, forestalling etc.,	293
Justices, etc., to endorse on back of certificate the amount allowed,	143		
County treasurer to pay the same out of state tax in the county,	143		
Certificate to be recorded,	144		

Page.	Page.
PHILADELPHIA, CITY OF—Continued.	PHILADELPHIA COUNTY—Continued.
Wardens and assessors to levy tax, not exceeding 6d. to the £ for con- tinued nightly watch, etc., 391	Act authorizing justices to hold courts at other places than usual repealed, 255
Clerk of the market, letting market houses, stalls, ferries, etc., to render a rent roll to wardens, 392	Commissioners and assessors to remit or mitigate taxes on those who have been disabled, etc., or driven off by the enemy, 325
Clerk of the market to collect rents from market houses, stalls, and stands and pay the same over to the treasurer of the wardens and as- sessors, 392	Commissioners and assessors to re- turn lists to general assembly of the names of the persons exonerat- ed, 326
Penalty for neglect or refusal, 392	Deficiencies to be paid out of state taxes, 326
Owners and occupiers of ferries, wharves, etc., to pay their rent di- rect to the treasurer of the wardens, etc., 392	Parts of former acts repealed, 326
Disposition of rents, etc., 392-3	Entitled to nine members in the gen- eral assembly, 395
Penalty for person appointed under act to collect taxes refusing to act, 393	Punishment for third offense of fore- stalling or regrating, 389
Fees of, 393	
Duration of act limited, 393	PILLORY.
Entitled to five members in the gen- eral assembly, 395	Part punishment for raising or know- ingly uttering raised bills of credit, 9, 101
Street commissioners empowered to levy an additional tax not exceed- ing 9d., 399	PIRATES.
Penalty for tax collectors or constables neglecting or refusing to perform duties, 399	Traitors, felons, etc., offending upon the sea to be tried in manner pre- scribed in act of 28, Henry VIII, ... 282
Penalty for committing other offences under act, 399	Trial to be had in court of oyer and terminer in Philadelphia, 282
Fines, how recoverable, 400	
Disposition of, 400	PLAINT.
Duration of act limited, 400	Certain penalties to be recovered by, 137, 377
Sheriff authorized to confine prisoners in the old gaol, 432-3	
Sheriff, indemnified, 433	PLAINTIFF.
Part of former act, repealed, 433	To be mulcted in treble costs in case of discontinuance, nonsuit or ad- verse verdict, in suits under militia act, 90
PHILADELPHIA COUNTY. See Elec- tions; Justices of the Peace.	To be mulcted in double costs in cer- tain cases where he becomes non- suit suffers a discontinuance or has judgment pass against him, 198
Commissioners and assessors of, to divide it into election districts, 73	To be mulcted in treble costs in cer- tain suits, if he become nonsuit suffer discontinuance, or verdict pass against him, 387
Freeholders to elect justices of the peace, 73-4	
Places of holding elections in, 116	PLAY HOUSES. See Theatres.
Justices of, empowered to hold courts at other places than usual, 158	Erection of, prohibited, 337
Sheriff, coroner, and justices, to ap- point places of detaining criminals, etc., during possession of, by the enemy, 158	Penalty for violation, 337

	Page.		Page.
PLEADING.		PRESIDENT—Continued.	
Payment may be pleaded in suits brought to recover debts after tender made,	35	To take the place of and have the same powers as the governor formerly had,	64
General issue may be pleaded in prosecutions under act for the supply of the Armies of the United States, ..	198	Upon vacancy in office of recorder of deeds or register of wills, president and council to appoint,	70, 71
POOR.		And council to appoint additional justices of the peace upon request, ...	75
Act for the relief of the, revived,	228	To commissionate one free-holder in Philadelphia and one in each county to serve as lieutenants of the militia, ..	76
Act for the relief of the, of the city and county of Philadelphia, district of Southwark and the townships of Moyamensing, Passyunk and Northern Liberties,	357	Also five sub-lieutenants,	76
Managers and treasurer of the alms house appointed,	358	And council to establish a city court in Philadelphia,	106
Two judges or justices on complaint of managers to levy a tax not exceeding 1s. 6d. to the £ for the relief of the,	359	Court to take the place of the late mayor's court,	106
POOR TAXES.		And council to appoint a clerk of the market, corders of wood, etc., and such other officers as were appointed by the late mayor, etc.,	106
Two justices on complaint of managers of the alms house to levy, not exceeding 1s. 6d. to the £ for the relief of the poor,	359	Also to let out all ferries, wharves, stalls, etc., as were rented by late mayor, etc.,	106
PORK.		And to collect the rents therefrom, ...	107
Price of, regulated,	236	All rents to be paid to the state treasurer,	107
Penalty for asking more for, than allowed by act,	238	To commit clerk of late mayor's court upon his neglect or refusal to deliver records, etc., to the judges of the city court,	107
Exportation of, prohibited for a limited time,	273, 294	Prothonotaries to give bond to the, for faithful performance of duties, ...	108
Act not to prohibit ships taking on board necessary provisions,	273, 294	May commit prothonotaries who refuse or neglect to deliver records, etc., to successors,	108
Attempted to be exported to be seized and forfeited,	273, 295	And council to take necessary measures to procure such records, etc., ..	108
Disposition of forfeiture,	273, 295	To have power of pardoning, etc., in all cases except high treason,	135
Supreme executive council empowered to revoke embargo on,	273, 295	And six members of the council of safety to constitute a quorum,	151
POSTMASTERS.		And council to appoint one wagon-master-general for the state and one deputy wagon-master-general for each respective county,	181
And post riders, etc., exempted from militia duties,	135	And council in cases of necessity to call militia into actual service,	185
PRESIDENT. See Council of Safety; Supreme Executive Council.		And council to inquire into the forfeited estates of traitors, and cause rents, issues, and profits thereof to be paid to state treasurer,	204
To grant licenses in all cases where governor had previously done so, ..	58-9		
Actions on forfeited bonds to be brought in the name of,	64		

	Page.		Page.
PRESIDENT—Continued.		PRISON.	
Powers of, and council,	205-6	Trustees for building court-house and, in Bedford County to sell temporary prison,	316
Reward for discovering traitors debts and effects,	206	PRISONERS.	
Penalty for debtor failing to discover unto, sum due traitors,	207	In the several jails in the state, with certain exceptions, set free,	5
Empowered to make compositions, ..	207	PROFANITY.	
And council to secure the goods of attainted persons and sell the same at public vendue,	208-9	Prohibited,	334
To let out on rent forfeited real es- tates, not exceeding a period of two years,	209	Penalty for violation,	334
To cause a register of the names and estates of the persons attainted to be made and kept by the secretary, ..	210	Offenders to be prosecuted within ten days, after commission of offense, ..	334
Register to be open for inspection, ..	210	PROSECUTOR.	
Copies of register to be sent to jus- tices of the supreme court and also to the sheriff wherein the lands lie, ..	210	To receive one-half of penalty im- posed upon election officers for vio- lations of election act,	123
Sheriff to insert the same in a book, ..	210	To recover one-half of penalties ac- cruing under act prohibiting the sale of goods, etc., by public vendue, ..	137
Book to be open for inspection,	210	To recover penalty imposed upon per- sons illegally taking assignments of pensions,	145
After twelve months to sell the said estates at public vendue,	210	To recover forfeiture imposed upon persons violating the act regulating the prices of goods, wares and mer- chandise, etc.,	238
Public notice to be given of the time and place of sale by advertisement in the public newspapers,	210	To receive one-half of fines imposed upon election officers receiving votes of persons who have not taken oath of allegiance,	286
To make a deed under the state seal and the buyers to hold free of all in- cumbrances,	211	To recover one-half of penalties ac- cruing under act for suppression of vice and immorality,	337
Lot of ground at 6th and High Street, Philadelphia, formerly belonging to Joseph Galloway, traitor, vested in trustees for the use of president of the supreme executive council,	324	Value of private property transported in wagons in the public service to be recovered,	336
And supreme executive council em- powered to permit exportations of wheat, flour, barley, etc., to any one of the United States,	377	To recover one-half of goods forfeited by persons convicted of forestalling or regrating,	339
Provided that it appears such exports can be spared,	378	PROTECTION OF LAW.	
Sufficient quantity for the consump- tion of the army and inhabitants of the state to be first reserved,	378	Not allowed,	286
Also that it appear that such exports are necessary for the home con- sumption of the state applying for same,	378	PROTHONOTARY.	
		Bonds of,	108
		Refusing or neglecting to deliver records, etc., to successors to be committed,	108
PRESIDENT OF THE EXECUTIVE COUNCIL. See President.			

	Page.		Page.
PROTHONOTARY—Continued.		PUBLIC MONEYS—Continued.	
President and council to take necessary steps to procure such records, etc.,	108	Fines and forfeitures accruing under act to be recovered by action of debt, on the case or account render,	355
Fees of the, of the court of common pleas, doubled,	229	Disposition of fines,	355-6
Fees of the, of the supreme court, doubled,	229	Compensation of lieutenants,	356
PROVINCE ISLAND.		County treasurers to pay all, received by them into state treasury every three months,	356
Act regulating fishing in Schuylkill river extended to Delaware river as far down as,	67	Auditing commissioners appointed, ..	356-7
PROVINCIAL LAWS.		Oath of commissioners,	357
Certain, revived,	29-33	Compensation of commissioners,	357
All, in force May 14, 1776, revived and made binding from and after February 10, 1777,	30	PUBLIC OFFICERS.	
Exceptions,	30-1	All, under late colonial government removed except trustees of the loan office,	32
PUBLIC ACCOUNTS.		Fines and penalties on, for neglect of duty, increased,	320-21
To be settled by auditors appointed to settle the accounts of the late committee and council of safety,	345	Disposition of fines in Philadelphia, ..	321
PUBLIC AUCTION. See Public Vendue.		Fees of increased,	321-2
Forfeited estates of traitors to be sold at,	329	Former acts repealed,	322
PUBLIC INNS.		Duration of act limited,	322
Penalty for keeping without a license increased,	313	PUBLIC PAPERS. See Public Records.	
PUBLIC MONEYS.		PUBLIC RECORDS.	
Commissioners to pay the county treasurer all moneys received from sale of traitors forfeited personal estate,	352	In Bucks County to be removed to places of safety,	248
County treasurer to pay the same to state treasurer,	352	PUBLIC SERVICE. See Wagons.	
Lieutenants, etc., to pay over all fines, imposed upon persons neglecting to perform militia duties, to state treasurer,	353	Act for the regulation of wagons, pack-horses and carriages for the, ..	181
Commissioners, lieutenants, etc., to account to commissioners appointed to audit their accounts,	353	PUBLIC VENDUE.	
Penalty for refusal to produce accounts, etc.,	354	Sale of goods, wares, and merchandises by, prohibited,	137
Method of keeping accounts prescribed,	355	Penalty for violation,	137
		Act not to prevent sheriff, constable, etc., selling goods taken in execution or goods distrained for rent, ..	137
		Or executors selling goods and chattels of decedents,	137
		Or persons removing from selling lands, tenements, live-stock, farming utensils and house-hold furniture,	137
		All condemned vessels and cargo, etc., to be sold at, for the benefit of the captors,	279
		Real estates of persons refusing to pay military taxes to be sold at, after three months advertising,	370

Page.	Page.
Q.	
QUARTER MASTER. See Militia.	
QUARTER SESSIONS.	
Courts of, to be held within the commonwealth at the same times and places as formerly under the colonial government, 31	
All officers of, to exercise the same powers as formerly,31-2	
To have jurisdiction in cases of misprison of treason, 47	
Justices of the, in Philadelphia and Chester counties, empowered to hold courts at other places than usual during possession thereof by the enemy, 158	
Fees of clerk, doubled, 229	
Justices of the, to set prices on provisions and victuals sold in public houses, 238	
Prices to be published by the crier of, and fixed upon court house door, .. 238	
Courts of common pleas, gaol delivery and, in Bucks County to be held in safe places during invasion of commonwealth by the enemy,247-8	
Ten days public notice thereof to be given, 248	
Offenders against act prohibiting for a limited time the making of whiskey, etc., to be bound over for the, 299	
Offenders to be proceeded against by indictment as in other cases, 299	
Fees of clerk increased, 322	
R.	
RAISING.	
Of bills of credit, punishment for, ..9, 101	
Penalty for, any bills of credit made legal tender in any of the United States, 40	
Penalty for, continental loan office tickets, 104	
Penalty for, bills of credit emitted by the Continental Congress, 104	
Penalty for, U. S. lottery tickets, ... 105	
RECEIVER-GENERAL. See Armies of the United States.	
	RECORDER.
	Certain powers of mayor, aldermen and, of Philadelphia vested in any three justices of the peace,65-6
	RECORDER OF DEEDS.
	Appointed in the respective counties, .68-9
	Oath of, 69
	Bond of, 69
	Powers and duties of,69-70
	Fees of, 70
	To turn over to successor all records, etc., 70
	Penalty for neglect or refusal, 70
	Upon vacancy in office of, President and council to appoint another, 70
	Penalty for refusing to deliver books, records, etc., to successor, 71
	If appointed, fail to take oath within prescribed time another to be appointed instead, 71
	To record names of persons taking oaths of allegiance, 112
	Compensation for so doing, 112
	To record pension certificates, 144
	To give payee a copy thereof, 144
	Fees of for so doing, 145
	Fees to be paid at the charge of the United States, 145
	Fees of the, trebled, 230
	Fees of increased, 322
	RECORDS. See Public Records.
	REGISTER-GENERAL.
	Register of wills no longer accountable to, 71
	The probate and registering of wills and granting letters of administration by the late, and his deputies in the several counties, during a certain period of time declared to be valid, 265
	REGISTER GENERAL'S OFFICE.
	All wills, letters, testamentary, etc., granted by, between July 4, 1776, and the opening of the new offices validated, 265

	Page.		Page.
REGISTER OF WILLS.		REGRATING—Continued.	
Appointed in the respective counties, .68-9		Commissioners appointed for the re-	
Oath of, 69	69	spective counties,179-80	
Bond of, 69	69	Costs of permit, 180	
Powers and duties of,69-70	69-70	Persons aggrieved by judgment of	
Fees of, 70	70	commissioners to have appeal to the	
To turn over to successor all records,		supreme executive council or to the	
etc., 70	70	justices of the peace of the county, . 180	
Penalty for neglect or refusal, 70	70	Persons purchasing whiskey or cloth-	
To appoint a deputy, 70	70	ing necessary for the army to give	
Powers of deputy, 70	70	commissioners security that he will	
Upon vacancy in office of, President		not renew the same out of the state, 180	
and council to appoint another, 70	70	Commissioners of clothing to search	
Not to be accountable to any superior		for and seize goods liable under act	
register, 70	70	for the prevention of,245-6	
Penalty for refusing to deliver books,		To make return thereof to commis-	
records, etc., to successor, 71	71	sioners appointed in former act, ... 246	
If appointed, fail to take oath within		Not to break any doors or locks to	
prescribed time another to be ap-		make such search or seizure with-	
pointed instead, 71	71	out first obtaining a search war-	
Fees of the, doubled, 229	229	rant, 246	
Fees of, increased, 323	323	Commissioners to administer oath to	
		persons applying for licenses under	
REGRATING.		former act, 246	
Forestalling and, forbidden, 177	177	Commissioners not to grant permits	
Persons not allowed to purchase ar-		or licenses to persons debarred from	
ticles of necessity or any goods or		the privilege of being peddlers or	
merchandise except for family use,		hawkers, 247	
without a permit, 177	177	Commissioners appointed for the city	
Permits to be granted to citizens of		of Philadelphia under act for the	
good character who have taken oath		prevention of, 293	
of allegiance,177-80	177-80	Defined, 388	
Permit to be revoked upon any viola-		Penalty for violation, 388	
tion of act, 178	178	Act not to extend to inkeepers,	
Persons convicted of violating act to		victuallers, butchers, or hucksters, . 388	
forfeit all goods, etc., 178	178	Nor to imported victuals, except salt,	
Disposition of penalty, 178	178	and fish, 388	
Engrossers not allowed to sell without		Nor to persons who buy up live stock	
a permit articles brought in from		for the purpose of fattening them, .388-9	
other states, 178	178	Penalty for violation of act, 389	
Penalty for violation, 178	178	Defined, 422	
To deliver on oath to commissioners,		Punishment for, 422	
an inventory of all articles in pos-		Disposition of penalty, 422	
session before receiving permit, ... 178	178	Purchasing imported or manufactured	
Penalty for applying for permit with-		goods for sale except from importer	
out inventory, 179	179	or manufacturer prohibited,422-3	
No commissary of the army to pur-		Penalty for violation, 423	
chase any of said articles without		Disposition of penalty, 423	
producing his appointment and ob-		Not to apply to licensed tavern keep-	
taining a certificate from commis-		ers, 423	
sioners, 179	179	Retailers not to sell goods at more	
Penalty for violation, 179	179	than 25 per cent. profit, 423	

	Page.		Page.
REGRATING—Continued.		REWARD—Continued.	
Retailers to obtain license,	423	Of constables for apprehending deserters,	60
Oath of retailers,	423-4	Of private persons for apprehending deserters,	62-3
Penalty for selling goods without a license,	424	For apprehending deserters,	218
Persons having goods on hand at passing of act to sell the same for ready money,	424	For information leading to the seizure of exports,	273
Thirty per cent. profit allowed on salt and brown sugar,	425	For killing wolves,	402
Penalty for refusing to sell goods at fixed prices,	425		
Justice of peace to issue warrants for seizure of supplies held by engrossers,	425	RICE.	
Proceedings after seizure,	426	Exportation of, prohibited for a limited time,	273, 294
Penalty for neglect or refusal of justice to issue warrant,	426	Act not to prohibit ships taking on board necessary provisions,	273, 294
Penalty for sheriff neglecting or refusing to serve warrant,	426	Attempted to be exported to be seized and forfeited,	273, 295
Defendants may plead general issue and give act and special matter in evidence,	427	Disposition of forfeiture,	273, 295
Defendants to have treble costs if plaintiff become nonsuit, suffer discontinuance, or have judgment given against him,	427	Supreme executive council empowered to revoke the embargo,	273, 295
Commissioners appointed for carrying act into effect,	427-8		
Duties of commissioners,	428	RYE. See Exports; Whiskey.	
Oath of commissioners,	429	Price of, regulated,	234
Penalty for insulting commissioners,	429	Penalty for asking more for, than allowed by act,	238
Penalty for neglect or refusal of commissioners to act,	429	Exportation of, prohibited for a limited time,	273, 294
Powers of commissioners,	430	Act not to prohibit ships taking on board necessary provisions,	273, 294
Millers prohibited from hoarding wheat or flour,	430	Attempted to be exported to be seized and forfeited,	273, 295
Penalty for violation,	430	Disposition of forfeiture,	273, 295
		Supreme executive council empowered to revoke the embargo,	273, 295
		S.	
REPLEVIN.		SALARIES.	
Writs of, for goods seized in execution, etc., declared to be void,	349	Of the trustees of the general loan office,	164
All such writs to be quashed upon motion,	349	Of receiver-general and army commissioners,	193-4
Defendant to be awarded treble costs in such cases,	349		
Judgments,	349	SCHUYLKILL RIVER.	
		Act regulating fishing in, revived, ..	67
REWARD.			
Of informer of offense of forging, counterfeiting, raising or knowingly uttering counterfeit or raised bills of credit,	9-10, 101	SCOTS PRESBYTERIAN CHURCH.	
		Incorporated,	339
		SEAL.	
		Of the supreme court,	172

	Page.		Page.
SECRETARY OF THE COUNCIL.		SHERIFF—Continued.	
Compensation of, for writing licenses,	58	Not to arrest soldiers for debts without affidavit of plaintiff that the amount claimed is over fifty dollars, 174	
SERGEANT MAJOR. See Militia.		Fees of, doubled,	229
SERVANT. See Master and Servant.		Fines and penalties on, for neglect of duty increased,	320-1
Master or mistress to be compensated for enlisted apprentices or,	216	Fees of, increased,	321-2
Amount of compensation to be determined by justice and two free-holders,	216	Of Philadelphia authorized to confine prisoners in the old gaol,	433
Justice and free-holders to draw upon county treasurer,	216	SHOEMAKERS.	
Treasurer to pay the same out of state taxes,	216	And tailors exempted from militia duties while in the employ of army commissioners,	192
Justice and free-holders not to allow more than twelve pounds per year for servants or more than eight pounds per year for apprentices, ...	217	SHOOTING MATCHES.	
Master not entitled to compensation unless he takes oath of allegiance, ..	217	Prohibited,	335
SERVITUDE.		Penalty for violation,	335
Person convicted of raising or knowingly uttering raised bills of credit to be sold into, for seven years, in case he cannot pay fine,	10, 101	Public house-keepers not to encourage,	335
SHEEP. See Cattle.		Penalty for violation,	335
SHERIFF. See Elections.		Money won at, not recoverable,	336
No coroner, inspector, judge of elections or, to open ballots before the closing of the polls,	115	Money paid on losses at, may be recovered by loser by suit within three months,	336
Penalty for so doing,	115	Disposition of fines accruing under act,	337
To give notice of special elections, ..	120	Offenders to be prosecuted within three months after commission of offense,	337
To make returns of elections to the president and assembly,	120	Former acts, repealed,	338
To appoint others where county commissioners, assessors, etc., are absent or neglect to do their duties, ..	126-7	SILVER. See Legal Tender.	
Penalty for neglect,	126	SINGLE MEN.	
In Philadelphia and Chester counties to appoint places of detaining criminals, etc., during possession thereof by the enemy,	158	All, to be taxed not more than 15£ or less than 3£ for military purposes,	363-4
To give notice of time and place of holding courts of oyer and terminer and general gaol delivery in Chester and Bucks counties during possession thereof by the enemy,	173	Exceptions,	364
		Assessor authorized to demand security of,	364
		Refusing to pay military tax or give security to be committed,	364
		SKINS.	
		Price of, regulated,	236
		Penalty for asking more for, than allowed by act,	238
		SLAVES.	
		Collector of duty on negro and mulatto, appointed,	275

	Page.		Page.
SLAVES—Continued.		SPECIAL MATTER—Continued.	
Powers and duty of collector,	275	To be given in evidence in actions under act regulating wagons in the public service,	387
Imported after July 4, 1776 to be entered with the collectors or clerk of the sessions within three months,...	275	SPECIAL TAXES. See Military Taxes.	
Penalty for neglect or refusal,	276	SPECIE.	
Late collector to deliver to new collector the bonds, etc., relating to the office,	276	Penalty for buying or selling the necessities of life with, or for,	389
Penalty for neglect or refusal,	276	SPELTS.	
In case of death or removal of collector general assembly to fill vacancy by appointment,	276-7	Price of, regulated,	236
President, etc., to fill vacancy during the recess of assembly,	277	Penalty for asking more for, than allowed by act,	238
SMALL DEBTS. See Imprisonment for Debt.		SPIRITS. See Whiskey.	
SOLDIERS.		STAGE PLAYS.	
Not to be imprisoned for small debts, 173-4		Exhibiting or encouraging, prohibited,	337
Not to be enlisted for other states, ..	174	Penalty for violation,	337
Exceptions,	174	STANDING STONE CREEK.	
Penalty for violation,	174-5	Part boundary of Bedford County, ..	397
Application of penalty,	175	STATE SECRETARY.	
SOLE LEATHER.		Fees for licenses granted by the president, to be paid to,	59
Price of, regulated,	236	To turn license fees over to state treasurer every three months,	59
Penalty for asking more for, than allowed by act,	238	Fees of, for so doing,	59
SOMMERS, JOHN.		To account to committee of assembly appointed to settle public accounts, ..	59
Title of, in and to certain lands confirmed and established,	419-20	STATE TAXES.	
SOUTHWARK, DISTRICT OF. See Elections; Justices of the Peace.		1s. 6d. in the pound levied on all estates in order to sink certain bills of credit,	101-2
Militia of the Northern Liberties, Moyamensing, Passyunk and, united to Philadelphia city,	135	Pensions allowed wounded soldiers, etc., to be paid by county treasurer out of the,	143
SPEAKER OF ASSEMBLY.		STATE TREASURER. See Bills of Credit.	
Compensation of,	170	Compensation of, for handling fines imposed upon non-associators,	55
SPECIAL MATTER.		Fines imposed under militia act to be paid to county treasurer and turned over to the,	81
Defendant may plead general issue and give act and, in evidence in all suits under militia act,	90	Compensation of, for handling bills of credit,	100
To be given in evidence, in suits brought to recover debts after tender made,	35		

Page.	Page.
STATE TREASURER—Continued.	SUBSTITUTES—Continued.
Bills of credit to be delivered to, as soon as signed, 100	Sons apprentices or servants may substitute for their fathers or masters, . 186
To receive one-half of penalties accruing under act prohibiting the sale of goods, etc., by public vendue, .. 137	SUITS. See Actions.
To receive fines imposed upon constables neglecting or refusing to perform duties, 165	SUNDAY.
Bills of credit emitted under the authority of Great Britain prior to April 19th, 1775 to be paid to and exchanged by the, 226	Working, etc., on, prohibited, 333
Said bills to be presented to the, before June 1, 1778, 226	Penalty for violation, 333
Bills to be irredeemable if not presented before June 1st, 226	Cooking, etc., water men landing passengers, selling milk before 9 A. M. or after 5 P. M. excepted, 333
Proviso where bills are in possession of persons outside of state, 226-7	Offenders to be prosecuted within ten days, after commission of offense, . 334
And those who are in allegiance of the state but now within the enemy's lines, 227	SUPERVISORS.
Bills received in the loan office to be exchanged by the, 227	Coroners, constables, overseers of the poor and, in office upon the dissolution of the colonial government to continue in office, 17-18
Together with a committee of assembly to count, burn and destroy them, 227	Last appointed or elected under the colonial government to continue in office under the new government, .. 32
One-half of all grain, etc., attempted to be exported to be forfeited and paid to, 319	To be fined for neglect or refusal to perform duties, 166
To receive all moneys arising from sale of forfeited personal property of traitors, 352	Compensation of, 228
Lieutenants, etc., to pay to, within three months all moneys on hand, . 353	Fines and penalties on, for neglect of duty, increased, 320-1
Accounts of county commissioners, lieutenants, etc., to be settled by commissioners, 353	Fees of, increased, 321-2
Compensation of, 447	To receive penalty for concealing property, in returns made for the purpose of assessing military taxes, . 363
STREET COMMISSIONERS.	To receive penalty imposed upon householders refusing to give account to assessors of lodgers, etc., . 364
Last appointed or elected under the colonial government to continue in office under the new government, . 32	To levy highway taxes not exceeding 7s. 6d., 401
In the city of Philadelphia empowered to levy an additional tax not exceeding 9d., 399	Wages of, 401
SUBSTITUTES. See Militia.	Penalty for neglect or refusal to act, 401
In actual service not to be fined for failing to exercise with militia, 132	Penalty for extortion from travelers by persons working on highways, . 401
Militia men to furnish, out of their own family, 186	Penalty for connivance of, at extortion from travelers, 401-2
	Penalty for filling up ditches cut or opened by, 402
	Penalties, how recoverable, 402
	Disposition of, 402
	Persons failing to take oath of allegiance, not exempted from serving as tax collectors, overseers of the poor or, 404

	Page.		Page.
SUPREME COURT.		SUPREME EXECUTIVE COUNCIL—	
To be held within the commonwealth at the same times and places as formerly under the colonial government,	31	Continued.	
All officers of, to exercise the same powers as formerly,	31-2	Acknowledgments and probates of deeds made and taken by and before, members of the, declared to be valid,	263
Justices of the, exempted from additional military tax,	168	All such deeds to be recorded within nine months,	263-4
Seal of,	172	Empowered to allow further time to John Abraham De Normandie, to sell his property and retire out of the state, than allowed by prior act,	270
Cost of seal to be paid by draft on state treasurer,	172	Empowered to revoke embargo on exports,	273
Justices to hold, where they shall appoint, until British be driven out of the state,	172-3	To appoint a judge of admiralty,	277
Justices of the, to discharge soldiers arrested for small debts,	174	To appoint a register of the court of admiralty,	280
Fees of the prothonotary, doubled,	229	To appoint a marshal of the court of 280	
Proceedings of the court of admiralty liable to the prohibition of the,	283	Premises at 6th and High Street, Philadelphia, formerly belonging to Joseph Galloway, traitor, vested in trustees for the use of president, etc., of the,	324
Fees of prothonotary increased,	322	In case of actual invasion, empowered to call into service any or all companies of the militia,	383
Fees of the officers of the, for services done under act providing for the sale of forfeited estates to be the same as in other cases,	332	Upon complaint to cause the arrest of disaffected persons,	441
Reasonable expenses to be allowed judges for extra services,	332	To bind such persons over for good behavior,	441
Salaries of the judges to be paid on their own orders by quarterly payments,	332	To commit them where they appear to be dangerous,	441
Upon complaint justices of, to cause arrest of disaffected persons,	441		
To bind such persons over for good behavior,	441		
To commit them where they appear to be dangerous,	441		
		SUSQUEHANNA RIVER.	
		Part boundary of Bedford County, ..	397
		T.	
		TAILORS.	
		And shoemakers exempted from militia duties while in the employ of army commissioners,	192
		TALLOW.	
		Price of, regulated,	236
		Penalty for asking more for, than allowed by act,	238
		TAVERN-KEEPERS. See Tavern Licenses; Taverns; Whiskey.	

SUPREME EXECUTIVE COUNCIL. See President.

President and members of the, to have power of arresting evil sympathizers of Great Britian,	139
To tender oath of allegiance to them and take security for good behavior,	139
Members of the, causing arrest indemnified against all process, suits, etc.,	140
Members of the, exempted from additional military taxes,	168
Forestallers, regraters, or engrossers aggrieved by judgment of commissioners to have appeal to,	180

	Page.		Page.
TAVERN LICENSES.		TAX COLLECTORS—Continued.	
Fees on, increased,	312-13	Persons failing to take oath of allegiance not exempted from serving as supervisors, overseers of the poor, or,	406
Penalty for keeping tavern, etc., without a license increased,	313	Compensation of,	443
Moneys arising from to be paid to state treasurer,	314		
Penalty for neglect or refusal,	314	TAXES, COUNTY. See County Taxes.	
TAVERNS.		TAXES, SPECIAL.	
Penalty for keeping without a license increased,	313	Rate of, for sinking certain bills of credit, increased,	153
TAX COLLECTORS.		TENDER. See Legal Tender.	
County commissioners and assessors to appoint persons to collect fines imposed upon non-associators, etc.,	52	TEST LAWS. See Allegiance.	
Powers of,	52	THEATRES.	
Penalty for refusing to do their duty,	52	Erection of, prohibited,	337
Compensation of, for collecting fines imposed upon non-associators,	55	Penalty for violation,	337
Compensation of,	155	TIPPLING HOUSES.	
Fines and penalties on for neglect of duty increased,	320-1	Penalty for keeping without a license increased,	313
Fees of, increased,	321-2	TORIES.	
County treasurers to notify commissioners of all negligence,	367	Lieutenants empowered to disarm,...	343
Upon neglect or refusal to pay military tax, commissioners to issue special warrants, to distrain upon offenders goods,	367-8	Lists of the persons disarmed and of the arms to be filed with the clerk of the peace,	343
Upon complaint of county treasurer commissioners to fine defaulting collectors,	368	TOWNSHIP ASSESSORS.	
Collectors to be first given ten days notice of complaint,	369	Compensation of,	155
Commissioners to issue warrant to sheriff to seize the bodies and estates of defaulting collectors,	369	Fines and penalties on, for neglect of duty increased,	320-1
All such estates to be sold to make up deficiencies,	369	Fees of, increased,	321-2
Compensation of,	372	County commissioners to appoint, in case of vacancy,	446
Commissioners, assessors and, exempted from military duties,	365	To levy and collect quota from persons made taxable by military act,...	446
County assessors to appoint collectors of military taxes,	366	Compensation of,	443
Collectors to account and pay over to county treasurer all moneys received, once in every six weeks, ...	367	TRADE. See Navigation.	
To pay all sums assessed within three months after the days allowed for appeal,	367	TRAITORS. See Forfeited Estates.	
County treasurers to give receipts to,	367	Certain named persons declared to be,	202
		TREASON. See Allegiance; High Treason.	
		Defined,	18-19
		Punishment of,	19

	Page.		Page.
TREBLE COSTS.		V.	
Plaintiff to be mulcted in, in case of discontinuance, non-suit or adverse verdict in suits under militia act, ..	90	VENDUE. See Public Vendue.	
Defendant to have, in certain suits if plaintiff become nonsuit, suffer discontinuance, or verdict pass against him,	387	VERDICT.	
		Plaintiffs to be mulcted in treble costs in case of non-suit, discontinuance or adverse, in suits under militia act,	90
TREBLE DAMAGES.		VERNON, NATHANIEL.	
Owners of horses, etc., to recover, where they are illegally pressed into public service,	385	Estate of, vested in his four sons, ..	409-10
Owners of wagons, etc., to recover, from persons transporting private property in wagons drawn in the public service,	386-7	VICE.	
		Act for suppression of immorality and,	333
TRUSTEES OF THE COLLEGE AND ACADEMY OF PHILADELPHIA. See College and Academy of Philadelphia.		VICE PRESIDENT. See President.	
TRUSTEES OF THE GENERAL LOAN OFFICE. See General Loan Office.		VICTUALLING HOUSES.	
TUSCARORA MOUNTAIN.		Penalty for keeping, without a license increased,	313
A line along the summit of, to the gap near Path Valley to be part of boundary of Bedford County,	397	VICTUALS.	
TUSSEY'S MOUNTAIN.		Justices of the quarter sessions to set prices on all provisions and, sold in public houses,	233
Part boundary of Bedford County, ..	397		
		W.	
U.		WAGER OF LAW.	
UNITED STATES.		Not allowed,	286
Six hundred and twenty thousand dollars to be raised by military taxes for the use of the,	230-1	WAGES.	
UPPER LEATHER.		Of laborers and hirelings, doubled, ..	237
Price of, regulated,	236	Of militia men increased,	383
Penalty for asking more for, than allowed by act,	238	Of lieutenants, etc.,	383
UTTERING.		Of supervisors,	401
Of bills of credit, punishment for, ..9,	101	WAGON MASTER.	
Penalty for, any bills of credit made legal tender in any of the United States,	40	President and council to appoint one wagon master general for the state and one deputy wagon-master general for each respective county,	181
Penalty for uttering continental bills of credit or loan office certificates,..	253	County wagon-masters to appoint assistants,	181
		To make out a list of all wagons and teams in each county,	181
		Copies of lists to be forwarded to wagon master general,	181
		Wagon master general to transmit copies to the president and council, ..	181

	Page.		Page.
WAGONS—Continued.		WESTERN FRONTIERS. See Militia.	
County wagon-masters to appoint necessary number of assistants,	220	WESTMORELAND COUNTY.	
Tour of duty to commence when the brigade is formed,	220	Overseers of the poor of Cumberland, Bedford, Northumberland and, to appoint a place and to give notice of the election of justices of the peace, ..43-4	
Brigade to consist of at least twelve wagons,	220	Places of holding elections in,	119
Every brigade entitled to a wagon-master,	220	Commissioners and assessors to remit or mitigate taxes on those who have been disabled, etc., or driven off by the enemy,	326
Wagon-master allowed forage for one horse while in actual service,	220	Commissioners and assessors to return lists to general assembly of the names of persons exonerated,	326
Pay of, horses, drivers and,	287	Deficiencies to be paid out of state taxes,	326
Not to be impressed except by virtue of express warrant from the executive council,	287-8	Parts of former acts repealed,	326
Penalty for violation,	287	Entitled to three members in the general assembly,	326
Former act empowering commander and chief in case of sudden emergencies to impress, repealed,	288		
Act regulating carriages, pack-horses and, in the public service continued, ..	302	WHEAT. See Exports; Whiskey.	
Not to be furnished by wagon master to quarter master general without the approval of the supreme executive council,	385	Price of, regulated,	236
Penalty for seizing, without obtaining warrant from the supreme executive council,	385	Penalty for asking more for, than allowed by act,	238
Owner of to recover treble damages, ..	385	Exportation of, prohibited for a limited time,	273, 294
Private property not to be transported in, drawn in the public service,	386	Act not to prohibit ships taking on board necessary provisions,	273, 294
Penalty for violation,	386	Wheat attempted to be exported to be seized and forfeited,	273, 295
Pay of, horses and driver,	387	Disposition of forfeiture,	273, 295
Act to be given in evidence in suits under it,	387	Supreme executive council empowered to revoke the embargo on,	273, 295
		Rye, barley, etc., not to be exported or carried out of state,	318
		Except for the use of the United States,	318
		Penalty for violation,	318
		Whiskey not to be made or distilled from,	414
WALTON, ALBERTSON.		WHIPPING.	
Attainder of, to be null if he surrender himself for trial on or before December 15, 1778, and record the certificate of such surrender,	300-01	Contingent punishment for harboring deserters,	61
Not to be relieved from forfeiture if convicted of treason or misprison of treason,	301	Contingent penalty for forging certificate of oath of allegiance,	114
WALTON, ALBINSON. See Walton, Albertson.		WHISKEY.	
WARDENS.		Price of, regulated,	236
Last appointed or elected under the colonial government to continue in office under the new government, ..	32	Penalty for asking more for than allowed by act,	238

	Page.
WHISKEY—Continued.	
And other spirits not to be made in Philadelphia, Chester, Bucks, Lancaster, York, Cumberland, Berks, and Northampton counties from any grain, etc., between December 10, 1778, and September 1, 1779,	297
And other spirits not to be made from any grain, etc., in Bedford, Westmoreland, and Northumberland counties between December 25th, 1778 and September 1, 1779,	297
Penalty for violation,	298
Violators also to forfeit the value of all grain used in making,	298
Constables, to inquire into offences against the act,	298
Penalty for neglect or refusal,	298
Constables to give information received to justices,	298-9
Justices to issue warrant directing sheriff and peace officers to apprehend offenders,	299
Offenders to be bound over for the quarter sessions,	299
For want of bail offenders to be committed,	299
Offenders to be proceeded against by indictment as in other cases,	299
Constables required to return on oath to quarter sessions the names and places of abode of offenders,	299
Sheriffs to collect all forfeitures and pay one-half to state treasurer and other half to constable or informer, ..	299
Justices of the peace to issue warrant to constables to apprehend violators of act prohibiting the making of,	318
Constable authorized to break open in day time doors of still-house, etc., in search for violators,	318
Grain, etc., not to be exported or carried out of state,	318
Penalty for violation,	318
Persons having made whiskey from grain bona fide mashed before act took effect not subject to penalties thereof,	319

	Page.
WHISKEY—Continued.	
Where whiskey was distilled after eight days after act took effect burden that it was mashed before act took effect to be on the distiller, ..	319
Where persons have been so indicted noli prosequi to be entered by the attorney general,	319-20
Defendant to pay all fees in such cases,	320
Not to be made except from rye, barley, and the malt made thereof,	414
Oath of distiller,	415
Not to be made from more than eight bushels of rye or barley for any persons except licensed tavern-keepers, ..	415
Nor from more than fifteen bushels for use of any tavern-keeper,	415
Not to make or distill, without a permit from justice of the peace,	415
Justice required to grant permits to tavern-keepers, house-keepers, etc., ..	415
Justice to keep a list of the persons obtaining permits,	416
To return list to clerk of the peace, ..	416
Penalty for obtaining more than one permit,	416
Justice not to grant permit for larger sums than allowed,	416
Or to a tavern-keeper until he produce his license,	416
Penalty for violation,	416
Penalty for obtaining more than one permit,	416
Penalty for making, from greater quantity of rye, etc., than allowed, ..	416
Onus probandi to be on the defendant, ..	417
Duration of act limited,	417

WILLS.

Letters testamentary, etc., granted by register general's office between July 4, 1776, and the opening of the new offices validated,	265
--	-----

WITNESSES.

Fees of, doubled,	329
Fees of, increased,	322

WOLVES.

Bounty for killing,	403
---------------------------	-----

	Page.		Page.
WOOD.		Y.	
Price of, regulated,	237		
Penalty for asking more for, than al-		YORK COUNTY. See Elections; Justices	
lowed by act,	238	of the Peace.	
		Places of holding elections in,	117
WOOL.			
Price of, regulated,	236		
Penalty for asking more for, than al-			
lowed by act,	238		



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